

**THE DEVOLUTION OF POST SECONDARY STUDENT SUPPORT PROGRAM  
TO FIRST NATIONS**

**I AM NOT THE RIGHT KIND OF INDIAN**

A Thesis Submitted to the College of Graduate Studies and Research in Partial  
Fulfillment for the Degree of Masters of Arts  
Department of Sociology  
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## **ABSTRACT**

The purpose of this thesis is to examine impacts of devolution of post secondary education focusing on First Nations in Canada. I will critically examine the impacts of devolution and education policy in relation to First Nation administration of the post secondary education program. I argue that the issue of post secondary education as a First Nation treaty right is at the center of discord in relation to education policy. The nature and scope of post secondary education as a treaty right continues to be an unresolved issue between First Nations' and the Federal Government of Canada.

In the 1960s, the Department of Indian Affairs and Northern Development (DIAND) administered a successful post secondary program resulting in increased numbers of First Nation students overall in college, technical and university populations. The policy of the time was to create conditions for First Nations to increase access to higher education. In time, the direction of the policy would change as in the 1980s the government's fiduciary responsibilities devolved post secondary education to First Nations.

Devolution of programs and services provided the rationale for greater self-control for First Nations to train their own labour force. The process of devolution, however, has not benefited most First Nations in terms of the amount of funding available for the delivery and administration of programs and services. Rather, insufficient budget allocations resulted in some First Nation administrations inheriting a deficit budget for programs and services.

An examination of the **Indian Act** provides evidence to the state's larger project of moral regulation within its education policy. The thesis provides a view of how First Nations have internalized limitations contained within social policies of the **Indian Act**. First Nations are faced with challenges in educating, training and securing employment for their band membership. Due to the nature of the funding, First Nations are forced to make decisions on which band members can access programs and services. Moreover, when examining the impacts of defining who is the right kind of Indian to educate, First Nations education policy demonstrates the internalization of what is the right kind of Indian to educate and train by the nature and scope of their criteria. First Nations are in control of training their own labour force and developing criteria on who is the right kind of Indian to educate.

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## **Chapter One**

## **Devolution of Post Secondary Education**

### **1.1 Introduction**

In Saskatchewan, there is a continued emphasis on the education, training and employment of First Nations people in order to achieve equity. A dramatic demographic change is occurring within First Nations population. The emergence of an aging population and an increasing young population is resulting in demands on an education system that cannot address all the education and training needs of its populations.

This thesis grew from my experiences as a student, administrator and policy analyst of post secondary education. My journey through higher education to learn “the cunning of the whiteman” has provided me the opportunity to write and speak to the discord of access to education. School served as both haven and hell. I experienced racism, lived in conditions associated with poverty, endured socially from being from the wrong side of the tracks, and eventually quit high school. I would later return and complete my grade 12 and enter university.

My mother’s education occurred within the halls of the residential school-the schools in which so many lives were lost. Smith (1993: 42-43) states that, “entire generations were alienated from their language, the richest part of their culture, and the experience of growing up loved by nurturing families. The children of residential era emerged unsure of just who and what they were—Indian by race, Christian reform school by training, and often utterly incapable of fitting into either world.”



As a child, I was indoctrinated with my mother's words, "Promise me, no matter what, you'll get your Grade 12. You need an education. Don't quit school." My mother taught us to be warriors and to fight back and to keep going. She did not want her children and grandchildren growing up in poverty. She wanted more for her children and knew how to push us so we would achieve and not limit our conditions or dreams.

My family has always understood that education was the way out of poverty because of our mother who insisted that we all attend school. My siblings and I emerge to be the first generation of my mother's family to be integrated into the provincial education system. As an educated person, I am able to share with students about embracing barriers and changing barriers into goals of achievement. I, however, understand how barriers may stop many from even attempting to try to overcome their lived reality.

One hundred and twenty-five years ago Chief Mistawasis signed Treaty 6 at Fort Carlton, on September 7, 1876. I am a band member of Mistawasis First Nation. I am a Cree woman. I have legal status of an Indian under the 1982 Constitution of Canada. I am registered as an Indian under Section 6 of the 1985 *Indian Act*. I was born into a political process not by choice but by definition of the *Indian Act* – an act that defines who I am and what is my reality. I can trace my displacement through the discord of the *Indian Act*- an Act that has displaced First Nation people, their families and their communities.

In signing treaties, Indians were promised that they could continue their way of life. However, history demonstrates that the way of life would be determined by policies contained within the *Indian Act* and the Department of Indian Affairs.

Opekokew and Pratt (1992:6) observe that,

For the First Nations of Saskatchewan, their ancestors wanted to secure, among the other benefits of the treaties, sufficient education for their children to be adapt, in an appropriate way, to the influx of European settlers. Education for the Indian nations was not, as the government probably saw it, a means to hasten assimilation into the new settler society; it was and it remains to maintain and develop the Indian identity and nationhood while acquiring the skills necessary to survive and flourish under new circumstances.

First Nation believed the education provisions in treaty would continue in perpetuity. However, there have been many changes in the nature of educational governance and delivery, characterized most recently by a policy of devolution to First Nation control.

This thesis links the historical struggles and contemporary realities of First Nations people within the post-secondary education system. The discord is the special status of First Nations people's *treaty right to education* and how the *Indian Act* regulated activities that support the cultural genocide of First Nation people. It is important to understand the historical context of sovereignty and the relationship of sovereignty that was applied to First Nations. The thesis presents a critical look at state formation through the notion of sovereignty and how the *Indian Act's* wider project of moral regulation defines *who is the right kind of Indian* in this case with respect to access post secondary education.

This thesis will provide a profile of part of the educational system of Saskatchewan First Nations population. While the focus of the thesis is First Nations post-secondary education, it will provide some analysis on the K-12 system to demonstrate how devolution will impact on the future generations of First Nation students. Education is a stepping-stone and opens doors to many opportunities in the in the sense that individuals can be freed from conditions of poverty and the reality of despondency. However, access to and entry through these doors is not always as open as they appear.

## **1.2 Constructing the Research Questions**

Over the years, I have worked in First Nations communities, organizations, and government and experienced different reactions to government changes in social policies. I questioned the federal government decision to devolve programs and services to the First Nations level without the infrastructure in place to support the delivery of programs and services to a diverse First Nation population. The impact of devolution over time has resulted in crisis as inadequate programs and services for improving their quality of life marginalize more First Nation citizens. First Nation citizens without access to programs and services for education, employment and training, remain poor and weakened by their state of despondency.

Devolution created conditions whereby First Nations' administrations inherited a social policy that contained entrance barriers that were based on criteria that defined "*the right kind of Indian*" to fund. In the 21<sup>st</sup> century, the criteria to access post secondary funding are based on residency, grade twelve status, age, and institute of study. The criteria are pre-determined by social policy and budgetary constraints.

This does not reflect the intent of the treaty right to education that our ancestors had negotiated in good faith as First Nation administrators find themselves in the position of gatekeepers of their own peoples' education, employment, and training paths and goals of employment. First Nations understood post secondary education and have not stopped defending the treaty right to education.

In 1972, the National Indian Brotherhood delivered to the government a policy paper entitled "*Indian Control of Indian Education*" seeking for greater parental authority and control by Indian people over their children's education. As a result of this paper, education policy was developed with the focus of local control of education, the process of phasing churches out of Indian education, and the closing of residential schools. In 1987-88, under the guise of self-government and with the agenda of *Indian Control of Indian Education*, the government would devolve the post secondary program to local control.

The change in post secondary policy and budget meant fewer students, fewer choices, and limited opportunities for employment and training for all First Nations citizens. The events of 1987-88 that took place influenced me to pursue graduate studies and write a thesis in the area of post secondary education as a way to discuss devolution and social policy impacts as well as to provide a framework for solutions. Moreover, this thesis presents my journey through the halls of higher education and my struggles associated with acquiring post secondary education. The research is, therefore, a living document to me as I am still working in the area of post secondary education and the agenda of *Treaty Right to Education*.

In university and in my work, I studied state formation and impacts of social policy to understand the wider project of moral regulation contained in the *Indian Act*. The Department of Indian Affairs and Northern Development created conditions in which First Nations did not have a choice but to accept the limitations of the post secondary program as they became administrators of the post secondary student support program that already had a defined structure and limitations.

As a post- secondary counsellor, I played an active role in devolution of post-secondary education while working for Saskatoon Tribal Council. The policies that were developed for First Nations determine the accessibility to programs and services by a criterion that defines who can apply or what I call “ *the right kind of Indian*” who can gain access to programs and services. The resources are limited and not available to all First Nation membership because the criteria and restrict funding. It is obvious that devolution benefits only a few, resulting in a dangerous reality for many First Nations who continue to live in conditions of poverty.

It is through social policy in education that I research post-secondary education with the belief that we who are speaking out are not “ the right kind of Indian”. Rather, some have the perception that our abilities to defend a treaty right to education by our oral teachings of treaties combined with credentials from First Nations and mainstream educational systems creates condition for not being the right kind of Indian. Knowledge, power, and truth, at the end of the day, determine that who holds the most power wins.

In providing an understanding of the history of First Nations people obtaining academic credentialing, this research relies on data collected from the Department of Indian and Northern Affairs. The date provides answers on how restricted access due to budget constraints comes at a time when First Nations need and are encouraged by government and other agencies to develop their education, employment and training initiatives. The research focuses on the process of devolution and the impact of devolving post secondary education to the First Nations level.

The thesis asks the question: **how has devolution of First Nations post-secondary education programming affected First Nations?** This question is examined, in particular, in relation to practices of moral regulation. In drawing out the answer, this thesis links the history of post-secondary education and my experiences in post-secondary education. These links according to C. Wright Mills (1993:379), involve the sociological imagination, which

enables its possessor to understand the larger historical scene in terms of its meaning for inner life and the external career of a variety of individuals. The first fruit of this imagination- and the first lesson of the social science that embodies it- is the idea that the individual can understand his own experience and gauge his own fate only by locating himself within his period, that he can know his own chances in life by only becoming aware of those of all individuals in his circumstances.

The thesis question asks **how has devolution of First Nations post secondary education programming affected First Nations?**

My research will focus on two specific questions:

- 1. What are the impacts and consequences of devolution in the area of post secondary education?**
- 2. How has the nature and origin of First Nations control in the administration of post secondary education been affected by devolution?**

These questions raise several related questions associated with the issue of education for First Nations people.

- 3. How has the Indian Act affected First Nations students with respect to access to and obtaining post secondary education?**
- 4. What kinds of Indians attend post-secondary education?**

I will link this analysis to the broader question of how devolution can be understood as an imposed practice of moral regulation on First Nations. Devolution of post-secondary education and the development of policies and budgets raise another question in the area of post-secondary education.

**How are the current policies and programs meeting the education, employment and training needs of First Nation people?**

The research further examines how sovereignty was imposed on First Nations and how the impact of state development resulted in greater moral regulation of First Nation citizens by enforcing the legal codes of the *Indian Act*. The notion of sovereignty and moral regulation provides a framework for analysis for the design and delivery of state policy in educating Indians.

Moreover, the framework provides an understanding of how moral regulation of Indians is enforced in the twenty-first century, as First Nations continue to assert self-government and self-determination with their education policy of Indian Control of Indian Education. The questions provide a framework to analyze social policy regarding the education of First Nations people.

### **1.3 Research Methodology**

The research relies on my experience as a First Nation student, teacher, post secondary counsellor and policy analyst to provide analysis on attending and obtaining academic credentialing from post secondary institutions. In order to address research questions, I link a social historical analysis with analysis of data and records from the Assembly of First Nations, Federation of Saskatchewan Indian Nations, Department of Indian and Northern Affairs, and Saskatchewan provincial elementary, secondary and post secondary educational authorities.

The aim of this research is to understand the impact of social policies regulating the nature and scope of treaty right to education. The literature assesses the historical impact of the *Indian Act* project of moral regulation of First Nations people in accessing and obtaining post secondary education. Namely, how the provisions contained within the *Indian Act* led to the current debate concerning budget constraints, and why such a policy is in place when it is obvious that First Nations are not receiving equity when compared to the national enrolment of Canadians in post secondary education. Moreover, the research assesses how devolution has decreased by a significant number the First Nations' students who can gain access and obtain university education.



Another limitation in using DIAND data is that they do not correlate with First Nations field data. DIAND field data are not for public access or use. First Nations data conflict with DIAND with respect to the impacts of devolution in the area of post-secondary education. Nonetheless, these sources do provide relatively reliable overview of key trends in First Nations post-secondary attendance, funding and policy.

#### **1.4 Limitations of Social Historical Analysis**

In conducting research on social policy it is important to recognize that there is a high degree of subjectivity and varying perspectives. This is the case in interpreting intent of the state policy in the nineteenth century and the intent of the state policy in the twenty-first century as the outcomes and/or deliverables are similar. The outcome of defining *what is the right kind of Indian* through a critical analysis of the impacts of social policies demonstrates that historically, the protectionist policies of the past accepted and promoted Indians to be passive and non-threatening.

The main limitation in conducting social historical analysis is restricted to work previously done and data readily available. This thesis does not attempt to generate new data but rather provides a picture of what kind of Indians are attending post secondary education. Another discrepancy is that data collected from Department of Indian Affairs and Northern Affairs (DAIND), Information Analysis Branch are collected and maintained for departmental usage.

The limitation arises from different variables that are collected for a two to three year period and then are often changed by the Department, resulting in inconsistencies. The Department controls the band membership and who qualifies to be an Indian under the passing of Bill C-31-1985 (see Wilson, 1998 for further reading into the effects of Bill C 31). The result is that the DIAND uses the band membership to determine the budget allocations and to determine the direction of devolution of programs and services. Another example of data conflict is the number of students who are waiting for funding. The number cannot be determined accurately due to the discrepancy in the field data.

## **1.5 Chapter Outline**

**Chapter One** lays out the foundation of the research, poses the research question, and research methodology and discusses the limitations in conducting social historical analysis.

**Chapter Two** discusses the historical participation of First Nations students attending university. The research outlines the development of education policy, a shift in governmental relationships, student reaction to policy changes and the dichotomy of administration and control of post secondary education.

**Chapter Three** provides an analysis of education, employment and training programs providing an understanding of how First Nations have dealt with changes in post secondary education.

**Chapter Four** addresses how and why First Nations continue to exert their claims to sovereignty and to assert their special status within current policies and implementation of self-government.

**Chapter Five** examines the development of state policies, administration of policies of assimilation by a wider project of moral regulation. The theory of moral regulation provides a framework to examine the attempts to assimilate First Nations to being the right kind of Indian.

**Chapter Six** analyses how First Nations governments have internalized fiscal control and the moral regulation of students.

## 1.6 Definition of Terms

**AFN**- Assembly of First Nations- renamed in 1980's from National Indian Brotherhood (NIB) and is the national organizations representing First Nations in Canada

**DIAND**- Department of Indian and Northern Affairs- the Canadian federal department responsible for Indians and Indian lands.

**Devolution**-delegation of power from the federal government to First Nations local control

**First Nations**- recognizes as those nations who signed treaty and are status Indians

**FSIN**-Federation of Saskatchewan Indian Nations- represents the 72 First Nations of Saskatchewan

**Indian Act**-policies that were incorporated into an Act that regulates the day-day lives of First Nations

**Indian Control of Indian Education**-release as a paper in 1972 that was the foundation for First Nations control of education

**INAC** -Indian and Northern Affairs Canada

**Moral Regulation**-assimilation within the wider project of moral regulation

**Students**-in the thesis the word student describes First Nations students enrolled in post secondary institutions

**Treaties**- agreements and numbered treaties that were made with the founding nations of Canada

**Treaty Right to Education**-right that was promised in Treaty Six-1876

## **Chapter Two: History of First Nations Post Secondary Education in Canada**

### **2.1 Introduction**

Historically, First Nations of Canada have maintained the position that education is a treaty right that is unrestricted by reasons put forth by the Canadian government, such as budget constraints. Those involved in interpretation of policy within the education system argue that education is a privilege, not a right. Contemporary analysis of historical documents, notably the *Indian Act*, states that education promised in the form of a schoolhouse on reserve is guaranteed (Treaty Six). Since this is not always economically feasible, First Nations people and others have expanded the right to attendance at off-reserve schools and institutions offering and delivering higher education.

(FSIN, 1999; AFN, 1988)

The purpose of this chapter is to discuss historical participation of First Nations students in university education in Canada. The research outlines the state's historical extension of control upon First Nations citizens through the enforced discriminatory legislation contained within the *Indian Act*, and previous legislation. Dickason (1992:252) cites the case from pre Indian Act era of Francis Assikinack ("Blackbird" 1824-63), the son of Odawa Chief Jean-Basptiste Assiginack, who was educated in Upper Canada but was rejected twice for funding to pursue a career as a doctor. Francis became an interpreter and schoolmaster but was not allowed to pursue his dream of being a doctor. Dickason states, "Not only did the dominant society demand assimilation, it reserved to itself the right to dictate the terms by which it could proceed." The state used the education system to define "what was the right kind of Indian" ensuring the wider project of moral regulation.

Previously, the *Indian Act* denied First Nations access and entrance to a university education. However, changes in 1960 resulted in First Nations' participation in university programs and provincial education system, including the right to participate in all levels of government elections (Stevenson, 1991:222). The chapter will focus on pertinent sections of the *Indian Act* relating to post secondary education; i.e., sections 113-122 of the post 1985 *Indian Act* (Stevenson, 1991:218). The development of an education policy is examined in terms of administration of post secondary education, a shift in the late 1980's in government responsibility, student reaction to the implementation of policy and policy changes, and the dichotomy of administration and control of post secondary education. This examination points to contradictions in the way that devolution of post secondary education resulted in First Nations administering a program that does not recognize their treaty right to education.

## **2.2 History of First Nations Access to Post Secondary Education**

Education in Canada is taken for granted by most Canadians. Most believe that with hard work, anyone can succeed. While this concept is valued, it is those with the resources who are more likely to acquire higher education, while those without resources more likely fill positions within the working class realm (e.g. Wotherspoon, 1998: Guppy and Davies, 1999). In the 21<sup>st</sup> century, it makes economic sense to educate people. Education results in removal of barriers; for First Nations, education will provide opportunities for economic growth rather than dependency resulting from state control (FSIN: 1999).

First Nations did not agree to assimilation in a manner that forced them to simultaneously reject their traditional culture, language, families or communities. The attack on the communities was a direct result of enforced enfranchisement orders. The government accepted its role as keeper of the wards (Indians) that allowed the state to encase First Nations onto reserves with the segregation of the people as a process of colonization. Justification by the government to complete this process was easily attainable from the rest of Euro-society by creating the national myth that they were acting in First Nations' best interests.

Education represents more than just credentials or a degree to First Nations; it represents access to employment that leads to goods, services, programs, and an entire change in how they view themselves. Those of us who are educated know attaining one's goals offers self-esteem and a measure of self-respect. First Nations who attain education and training act as role models in their communities, their families and work environments.

## **2.3 Social Policy of Devolution in Post Secondary Education**

I will argue that First Nations administrations have been affected by devolution. Current debates concerning the funding constraints associated with post secondary education accomplish nothing more than to generate an already growing contempt for the federal and provincial governments by First Nation people. The constraints are at a time when First Nations require an educated labour force for the delivery of programs and services to a growing population. Programs and services are designed for delivery to both on reserve and off reserve populations. These constraints result in training a First Nation labour force with limited resources that disadvantages many people who are in need of training.

The federal government's stand that "education is a privilege and not a right" has meant that the privilege of acquiring education resulted in a controlled budget and monitoring of First Nations students who participate in higher education. A waiting list is what most reserves have as applications are on hold for many of those students attempting to access funding for post secondary education. This right is being withheld as First Nations administration deal with deficits, waiting lists, and the frustration of not having a treaty right to an education be recognized or addressed by the government.

Since the 1960's, the Department of Indian Affairs and Northern Development (DIAND) funded First Nation students in their post-secondary endeavours. DIAND did not have a properly developed policy or budget for funding of post-secondary education, since the student population was minimal. The education policy did not limit access of First Nation students attending post secondary institutions.

Minister of DIAND, Jean Chretien in 1971, stated that “ I have given the National Indian Brotherhood (NIB) my assurance that I and my department are fully committed to realizing the educational goals for the Indian people which are set forth in the Brotherhood’s proposal.” (DIAND: 1973:5) The government’s overall objective of the time was to increase the percentage of First Nation students attending university. The government sought to address the inequality by creating programs for Indian teachers and social workers. The department and NIB were able to come to a common understanding that allowed for the protection of education as a treaty right with the participation of First Nation students in the academies of higher learning as a high priority among those involved.

During the 1970’s and 1980’s demands for changes to the education and child welfare system by First Nation organizations resulted in the implementation of First Nations policy initiatives. First Nation organizations were involved in policy areas pertaining to First Nation control and jurisdiction. After 1972, the NIB document *Indian Control of Indian Education* set policy structure for the expansion of First Nation education development. Policy was developed for the transfer of administration and control of the education system from the federal government to First Nations. This was part of an attempt to have First Nations direct their own destiny. Many First Nations however, could not support the infrastructures required to delivery education programs. Politically, economically, and socially, First Nations were gaining recognition as distinct people with special rights guaranteed to them through treaties.



In 1974, after the release of *Indian Control of Indian Education*, INAC officials developed new guidelines to administer post secondary funds to meet the needs of First Nation students. The guidelines were developed without input from First Nations, a common occurrence when developing policies directly affecting their community members. First Nations did not endorse either the guidelines or the administration of the program because they did not recognize education as a treaty right. Over the three-year period between 1975-78, an additional set of guidelines in post secondary education was introduced and tabled in the House of Commons. In October 1977, the Treasury Board approved the implementation of the E-12 guidelines budget and policy. The guidelines created a policy for INAC to administer post secondary funds and to address the needs of students (Ward, 1988:212).

First Nation leaders commented that the flow of dollars should stay with the Consolidated Revenue Fund. The Consolidated Revenue Fund was the previous source of funding until the implementation of E-12 guidelines which implemented funding from the Treasury Board. The reason was because the Consolidated Revenue Fund consists of revenue dollars, which could not be capped or restricted in any way. First Nations felt that the Treasury Board was subject to financial limitation because the Board could cap and limit programs and services. Ward (1988:88) notes that monies to be spent on adult education, vocational education and post secondary education were considered to be discretionary, in the sense that they utilized funds available from what was left after non-discretionary or statutory responsibilities were fulfilled. Consequently, budget restrictions for post-secondary education were inherent in the actual funding process.

During the 1980's, additional political factors influenced the assertion of political and civil rights by First Nations. In 1982, the first political change occurred with the repatriation of the Constitution of Canada. The *Constitution Act*, section 25 and 35, dealt with entrenchment of First Nations, Metis, and Inuit peoples' inherent right to self-government and self-determination. However, First Nations, Metis, and Inuit peoples were not allowed to actively participate with the Premiers of the provinces in the constitution negotiation process. This meant that the right to self-government was entrenched in the constitution but discord was created because the definition and parameters of self-government were not clarified.

At the same time, a Sub-committee on Indian Women and the *Indian Act* made recommendations regarding the *Indian Act* designed to end sexual discrimination and its negative effects on band membership. Their concern was on that the devolution of programs and services had a hidden process of continuing sexual discrimination based on political patronage and hierarchy, which was inherent in state policy. However, the recommendations were presented at the same time as the repatriation process, which took precedence.

Emerging policy change was further advanced in 1985 with the passage of Bill C-31, an amendment to the *Indian Act*, which defined legal criteria of what constitute Indian status. The Bill reinstated Indian people who previously lost their rights through the forced enfranchisement policy of the past, i.e. section (12)(1)(b) of the *Indian Act*. The bill provoked debates for sexual equality for Indian women. First Nations felt that the political agenda on inherent rights and self-government were critical and that sexual equality should be dealt with after inherent rights.

Frideres (1993:356) notes, “National Indian Brotherhood realized that, although it still considered equality rights irrelevant to the Aboriginal or Indian rights issue, it had to deal with them. The federal government intended to pursue Indian Act changes in this respect, with or without the consent of the National Indian Brotherhood”.

Part of the discord for First Nations was not based on gender discrimination but rather on how First Nations could not deal with a new population because they did not have enough resources to maintain their existing population. First Nations were told that there would be no new additional dollars for the population that could regain its status. The population of First Nations increased as individuals sought reinstatement of their status. Frideres (1993:129) notes that after, “the introduction of Bill C-31, the registered Indian growth rate increased to over 7 percent and averaged well in the excess of 6 percent until the 90’s when it decreased to about 2 percent.” First Nations argued that there should be compensation for an increasing population due to the demand on programs and services.

At the time, First Nations were involved with the emerging strategies of administrative control with devolution of programs and services. Although, post secondary education was one of the fastest growing and most successful programs run by the Department of Indian Affairs, the policy sought to devolve the program to First Nations with no additional dollars for growing First Nations communities and limited support for students and their dependants. To answer the question, what kind of Indians attends post-secondary education, it is unmistakable that the population directly affected by the bill and who would be blame for the additional expenditures was enfranchised women and their families.

**Table 2.1: Saskatchewan First Nations Student Enrolment by Gender**

<b>Academic Year</b>	<b>Student Population</b>	<b>Female</b>	<b>Male</b>
1987-88	1836	1191 (65.3%)	634 (34.7%)
1988-89	1872	1283 (66.9%)	612 (33.1%)
1989-90	1897	1259 (66.9%)	623 (33.1%)
1990-91	2588	1742 (67.3%)	846 (32.7%)
1991-92	2384	1559 (65.3%)	824 (34.7%)
1992-93	2699	1787 (66.2%)	912 (33.8%)
1993-94	2300	1431 (62.2%)	869 (37.8%)
1994-95	2687	1766 (65.7%)	921 (34.3%)
1995-96	2903	1890 (65.1%)	1013 (34.9%)
1996-97	3057	2032 (66.5%)	1025 (33.5%)
1997-98	2848	1946 (68.3%)	902 (31.7%)

1. Department of Indian Affairs: (various years)

In the area of post secondary education, First Nation national student population increased from 2,684 students in 1976/77 to 26,987 in 1996-97 (INAC: 1994, 1998). Table 2.1 shows that over a ten-year period (1987-88 to 1997-98), a preponderance (about two-thirds) of post-secondary students were women. It appears that, predominately, First Nations women qualify and are accepted for entrance into institutions of higher learning, while First Nations men either do not have the qualifications to enter post secondary institutions or are not accepted into institutions of higher learning. The data does not specify whether the students are single with no dependants, married with dependants, or single parents; rather, the data summarize the student population.

Furthermore, based on my knowledge as a post secondary counsellor, many of the female students (about 75%) are usually older students with dependants or single parents whose source of income is a living allowance paid from the post secondary student support program. Nevertheless, it can be argued that Indian women and children became decoys for policy changes limiting education opportunities that will limit employment opportunities. Part of the rationale for the budget constraints appears to be a gender issue as First Nation women and their dependants are a higher cost, limiting expenditures and the number of students who can be supported by the First Nation.

In recent times, receiving Child Tax Benefits (CTB) has had an affect on students who receive additional federal monies. As the Table 2.1 illustrates, 65% of the student enrolment is women. The impact in some First Nations has been to adopt a policy where students are given a ceiling allowance regardless of how many children they have as dependants. The CTB is recognized as additional income. Moreover, it displays the internal nature of the project of moral regulation for First Nation women in education. The reality of the situation is that some First Nation's women and their children are penalized and continue to be at risk with conditions associated with poverty.

## 2.4 First Nations Student Reaction

What effect has the *Indian Act* had on First Nation students in gaining access to post secondary education? The impact of devolution of post secondary education would be felt by the students' reaction to devolution as all levels of government heard their voice. The student reaction would take ten years to hear. As previously mentioned, changes to the administration of post secondary funding did not begin until 1974 with the policy development of the E-12 guidelines. In 1978, changes were made to post secondary education without First Nation approval or input. Because the changes threatened the treaty right to education, students organized and met in Red Deer Alberta to discuss the implications of the new guidelines and their impact in the future. Students wanted to be assured that the inherent right to education was protected. Lanceley (1991:241) notes, however, that what they were given was statement by Al Simpson of the Indian Affairs branch that education was not a treaty right.

One of the outcomes during the Red Deer meeting was the creation of an ad hoc national student organization. Students were able to meet with the Minister of Indian Affairs to address issues of eligible student months of funding, allowances, capping of the budget, and increases to student monthly allowances. The Minister agreed to a second meeting, which took place on December 15, 1978, where the Minister was presented with a statement of education as a treaty right. The Minister rejected the statement, but committed his Department immediately to revise the guidelines and to request that the National Indian Brotherhood (NIB) act as an official coordinating body for consultations (Lanceley, 1991:241).

The guidelines remained as approved by the Treasury Board, and First Nations representatives remained firm in their rejection of the guidelines. The NIB position was firm as long as the E-12 guidelines continued to be the particular instrument for implementation of post secondary policy; their delineated form and any proposed revision to that form would necessarily reflect the relative position in the fundamental issue of post secondary education as a treaty right (Ward, 1988:225).

In 1987, another impetus to organize students occurred when Bill McKnight, then Minister of Indian Affairs Canada (INAC), unilaterally imposed a cap on post secondary education funds. The 130 million dollars limit meant that fewer students yet would receive post secondary assistance. McKnight's (1988:1) rationale was that it "was necessary to set a reasonable rate of growth for the program and ensure that expenditures remained within the limits of this increment. As a result processes and procedures, both within the department and at the band level, have had to be altered. Difficult decisions have been made and funding for some students has been deferred to next fiscal year." In reality, the number of students wanting to attend post secondary institutions was increasing and over a period of time would be compounded by increasing need and decreasing resources. The level of growth could not continue.

In the summer of 1988, students were able to organize and educate their own student populations who were not aware of the changes or the threat to education as a treaty right. Students organized nationally when it was realized that about 1000 students were deferred and could not get funding. Students were able to educate their communities and themselves to the threat to treaty right to education.

Students were outraged that, once again, INAC implemented a program without proper consultation with First Nations. Students demanded the termination of that policy. The INAC response was to send all Chiefs and councils a questionnaire. However, the questionnaires were skewed so that the responses would create the impression that the First Nations agreed with the changes and the policy. Students urged their First Nations not to answer or respond to the questionnaire. In addition to the political agenda, students also committed themselves to educating all peoples of the plight and the reality of First Nations in Canada.

In 1989, a cabinet shuffle resulted in Pierre Cadieux, replacing Bill McKnight. Cadieux announced that changes would take effect on April 1, 1989. Students responded with a national day of protest. The protest was a hunger strike that lasted for thirty-six days. On April 14, 1989, students and their supporters occupied federal Indian Affairs offices across the country, leading to charges of public mischief (Lanceley, 1991:23). The occupations introduced the public to twenty century warriors of men and women who did not wish to see a right become reduced to a privilege. First Nations elected representatives understood the threat to the treaty right to education, supported and assisted students in their defence of post secondary education as a treaty right.

The public awareness of the plight of First Nations helped to educate and dismiss myths about First Nations people. Students questioned the commitment of different levels of government and leadership to post-secondary education. Students who had gained success in educational issues were at the political tables defending their political platform and educating people about the reality of losing the right to access post secondary education.



More importantly, the hunger-strike and protest awoke not only the Canadian public; it awoke the Indian nations to the fact that the new generation of Indian students was unwilling to be submissive to either government or Indian leadership when it ignores their interests (Lanceley, 1991:247).

As with the changes in 1978, students realized that the changes to E-12 meant that fewer students would be able to enter university, and students were to finish in time frames allotted by the Department. The Department limited the student months, and changed the level of post secondary education levels. Circular E-12 had five educational levels with a total of 96 months in which a student was expected realistically to attain a PhD, if they made it that far (DIAND, 1979:5). The E-12 guidelines were replaced with the Post Secondary Student Support Program.

With the changes, students were faced limitations in their field of study with attending programs outside their own province due to a residency clause. The residency clause required that students must attend the institution nearest to their home reserve. As well student months were capped at 32 months with a possible built in extension of 8 months, leaving a total of 40 months funding to complete a four-year program. This is problematic for students who want to pursue programs not offered in their provinces as well as fields of study that are longer than four years to complete. Under the old policy, students were not limited either in the timeframe for pursuing advanced level education or limited to institutions of study to pursue graduate or PhD studies.

Another hurdle for students was obtaining funding for post-graduate studies in Masters or PhD programs. The incentives for post-graduate studies were reduced from an annual incentive grant of \$750.00 for Masters and \$1,500.00 for PhD students to no such grants for any graduate student. The rationale used by the federal government was to cap post secondary funding and stabilize the growth by changing policy which would decrease the time that students could be funded for a Bachelor degree was reduced from 72 months to 40 months.

The elimination of subsidies for services such as day-care and defining acceptable institutions of study and programs of study would limit students in acquiring academic credentials. As well, the creation of a student priority list as way to deal with deferring applications and place fields of study into three levels of funding categories. The students' reviewed these measures as a concerted effort by the federal government to limit the number of educated Indians. Students understood that fewer people entering into university programs meant that few would convocate with professional credentialing requirements needed to compete for entry into the modern labour market.

The PSSSP would reduce the amount of student months and financial assistance for Indians who wished to pursue academic credentialing. In the past, there were relatively few Indian graduate students. The Department could pick and choose who would be the right kind of Indian to educate, and knew that urbanization and the impact of B-C-31 would open the doors for more First Nations students to access Masters and Ph. D. qualification.

An example of the past incentives for graduate students under E-12 states:

**Incentives for postgraduate studies:**

- 7.2 The student will be provided for with books, tuition, travel plus a composite allowance equal to one-half of average salary earned by the student during the student's most recent 12 months of employment
- 7.3 Incentive grants to be available for only the minimum number of years for each program-3 academic years (24 student months) for Masters programs and or 3 academic years (24 student months) for a Ph. D program.  
(DIAND, 1979:13)

First Nation students feared that they would face another obstacle with the administration of post secondary education. They feared that accessing funds would be problematic once transferred to the First Nations level. Students did not understand the complexity of the administration of a program and were not assured that treaty right to education would include Bill C-31 students. First Nation governments also believed that they would administer a program that did not recognize treaty right to education.

First Nation students also knew that most Canadians did not have a clear understanding of treaty and inherent rights. The idea that First Nations have a free education was and continues to be an erroneous belief. First Nation students found armed with both oral knowledge and academic knowledge were able to address the misunderstandings and interpretation of treaty rights. Students were able to defend why post-secondary education is a treaty right and not a privilege. Students were also able to articulate and address why the budget was capped and why policy changes were made affecting not only them but also the future generations.

Moreover, students realized that educated First Nation citizens posed a serious threat to the state fabric because they could read policy, understand laws, and interpret history. The students view was that it empowered discretion by the state to limit the number of educated Indians. The changes to post secondary education ensured through its control of the almighty purse string the state could control the education of First Nations and particularly the right kind of Indian.

## **2.5 First Nations Administration of Post Secondary Education**

This section of the chapter will deal with how First Nations' control has been affected by devolution and the problems faced by First Nations administration of post-secondary education at the local level. Saskatchewan is used as a case study, drawing upon the author's experience as a student, post secondary counsellor and as a policy analyst. First Nation students were apprehensive about devolution of authority for controlling the monies, direction, administration, and policies of post-secondary education. However, devolution of authority for post secondary education to First Nations administration resulted federal government policy requirements for accountability through quality control mechanisms and budgetary formulas that limited the educational endeavours of First Nation students.

In the late 1980's, in Saskatchewan, First Nations began to administer the program for their respective First Nations and Tribal Councils. In 1990, the Saskatoon Tribal Council was the first tribal council to assume control and administer the program and later (1995) devolve the program to the individual First Nation local levels.

Just as the leaders of First Nations who first negotiated treaties understood and negotiated the right to post secondary education including, “ schools and teachers in order to learn the ‘cunning of the whiteman’ ” (FSIN, 1993: 35). First Nation leaders who negotiated the modern arrangement understood the contradictions in administration but recognized that control was protected by their administration of the program.

The agenda of devolution left First Nations in a Catch 22 situation as INAC suggested to them that if they did not wish to administer the program, it would be administered on their behalf. First Nations did not want to administer a program that did not recognize what they view as a fundamental treaty right but they had little choice. INAC told First Nations that they would not dictate how to administer the program, as it is a First Nation jurisdictional issue. The issue of inherent right to education was used as a smoke screen for the real issue that was and continues to be fiduciary responsibility for post secondary education. However, from the federal government's perspective, the rationale to implement the policy changes was to support education as a ‘privilege’ rather than a ‘right’ for all citizens and an opportunity to create equity for First Nations in post secondary education.

The limitations of past post-secondary policies were passed down to First Nations. First Nation administration of post-secondary dollars could restructure the policy to reflect a global budget that would address the needs of their membership. However, while it allowed for funding of students, constraints were contained within the demands of the program. First Nations benefit from administering the programs as it increases their overall capital and planning dollars at the First Nations level. However, it is important to remember that the post secondary program is demand driven which makes the program reactive by the number of applicants the program receives and the budget that does not allow for all applicants to be access funding. At the local level, this is problematic to explain, as band members believe that they have a right but do not understand that the program cannot change some of its policies that would allow for better usage of the dollars.

To further complicate matters, INAC's formulas create a climate of "divide and conquer" through the allocation of funding. It appears that some First Nations have surpluses while other First Nations are in deficits. It is most often the smaller bands that are in jeopardy while larger bands can afford to offset their administration of the program. In 1992-93, INAC once again would change the allocation of post secondary education without consultation with First Nations. The formula change affected the administration of dollars and introduced an age cohort as the per capita allocation was based on the total population of 17-34 year olds. The total population would include Bill C-31's populations and urban First Nations, creating a split between the off and on reserve populations.

However, the formula created a difference in the perceived participation of First Nation students attending universities. The department prioritised the age of students who could qualify for funding and the age qualifier was as a rationale that the increase in First Nation enrolment was comparable to the national average.

The changes in policies mean that fewer students would be able to access and enter post secondary fields. Students are now restricted by time with a reduction of student months they have to complete their studies and by limitations due to the residency clause which demands a student must attend post secondary institutions closet to their home reserves thus limiting fields of study and program areas. This limits the rights of students to enrol in programs or courses of study that are of interest to them particularly if they must leave the province to pursue their chosen professional field.

The administration of post secondary education is problematic for another reason. There is lack of adequate resources for all Band members, whether Bill C-31 or not, who are entitled to post secondary funding. Administrators were faced with a continual dilemma of administering funds and making hard decisions on who does or does not receive funding. Individuals who apply for funding do not understand why they cannot receive funding for post secondary education since it is their understanding that education is a treaty right. Moreover, First Nations were not eligible for Canada Student Loans because of their First Nations status based on the assumption that they would receive funding from the Department.

In 1991, Saskatchewan Student Loans was engaged in human rights litigation brought forth by Glen Friday on the basis of discrimination as he was denied the Saskatchewan portion of the loan because he was a registered Indian.

The department of education agreed to pay Glen Friday \$4000.00 in compensation and to change its student loan policy to ensure all status Indians qualify for Saskatchewan student Loans. Chief Commissioner Donna Greschner said "Changing the policy-instead of dealing with this kind of discrimination case by case-is more effective way of eliminating systemic problem. (SaskRights Settlements, 1993:4).

The commission had settled complaints like this before, but the government had previously refused to change its policy even though Section 12 of the *Saskatchewan Human Rights Code* prohibits discrimination based on race in the provision of a public service".

The continuing struggle for access into post secondary education by First Nations' people clearly illustrates that the historical extension of control enforced discriminatory legislation contained in the *Indian Act*. The abundance of funds available in the 1960's no longer exists and for the most part has come to a halt. Consequently, First Nations are currently faced with off-loading and downsizing of programs and services from the federal government, including, the post secondary education assistance program.



## **Chapter Three: Indian Control of Indian Education**

### **3.1 History of the Impact of Devolution**

In the past thirty years, Indian people have sought to address educational inequality through administration of their own education systems. Debates concerning the funding constraints associated with post-secondary education, technical and trade and occupational skills training occur at a time when First Nations require an educated labour force for the delivery of programs and services to a growing population. The programs and services are designed to assist First Nations population both on and off reserve. An analysis of education, employment and training programs is needed to provide a deeper understanding of how First Nations have dealt with the changes in post secondary education and occupational skills training.

The purpose of this chapter is to examine the First Nation education system. This chapter will address the development of post secondary education and the development of occupational skill policies for First Nations in Canada. This will assist to answer, how can post secondary education be supported to enhance and continue to build capacity in the area of education, training and employment? What would be the best utilization of resources to create employment and training strategies?

Since the 1960's, the Department of Indian Affairs and Northern Development (DIAND) funded First Nation students in their post-secondary educational endeavours. At the time, the federal government's overall objective was to increase the percentage of First Nation students attending university. DIAND did not have a developed policy or budget for funding post-secondary education as it was not needed because the student population was minimal.

DIAND was also in charge of funding to sponsor Indian people who wanted training for occupational, vocational and technical education. DIAND purchased seats in various courses depending upon the demand and requests from First Nations and Tribal Councils. The program was managed using DIAND post secondary counsellors who made the arrangements for students in regards to tuition, books, travel and living allowances. The counsellors would set up apprenticeship and training on the job when required. At the time, the view by First Nations was that DIAND was a one-stop shopping place for education, employment and training programs.

Concurrently, DIAND transferred the responsibility of occupational and vocational training to Canada Employment Immigration Centres (CEIC). However, at the time, CEIC did not have an overall training plan for Indian people. There were no specific objectives, techniques, timeframes and resources to achieve the objectives for occupational skills training. A plan was necessary if Indian people were to get enough training for access to jobs. Counsellors at CEIC offices however, were not responsive and tended to find more reasons for Indian students to fit the criteria for sponsorship. Problems of access and sponsorship were prevalent. The apprenticeship program was used to some degree, but there tended to be some difficulties in establishing relationships with employers.

In the 1980's, CEIC revamped the delivery mechanism by introducing the Canadian Job Strategy (CJS) to focus on the needs of individuals, communities, and employers. However, while Indians and Indian Bands continued to express their unique needs and aspirations, their identity became subsumed under the general term

**Aboriginal.**

Aboriginal programming was lumped together and the training needs addressed through the CEIC many programs and services. Additional support would be available to Aboriginal clients as a special group under employment equity policy.

In Saskatchewan, human resource needs of Indian people were to be addressed in part through a coordinating group model. In 1989, funding was provided to Indians by the Saskatchewan Indian Training Assessment Group (SITAG) to develop training plans and labour market analysis. SITAG provides assistance to 23 contribution areas, which offer a wide variety of labour market programs to clients that will assist people in attaining and retaining employment. During the same time, the political climate would lead First Nations to negotiate the administration of the Post-Secondary Student Support Program (PSSSP). The administration of PSSSP changed from DIAND to First Nations, which assumed the administration and budget control of programs. However, the PSSSP left many First Nations no control over the number of students they could support.

In 1987, policy development and a formalized budget for the administration of post-secondary education led to the relinquishing of Indian Affairs control to First Nations. The predetermined budget allocation restricted the number of students a First Nations Band could support. As observed in the previous chapter, the government planned to stabilize and minimize the percentage of students entering institutions by decreasing the 'student months' from 72 to 40 months, eliminating day-care subsidies, defining acceptable institutions of study, and prioritizing students in levels: Level (1) – technical; Level (2) – university- level; Level (3) – Masters/PhD.

This in turn prevented more students from reaching convocation and obtaining recognized professional requirements needed for entry into a competitive modern labour market. In 1988, DIAND announced an increase on PSSSP dollars spent on post secondary education. This increase was to stretch over a five- year time frame and allow First Nations to build equity.

The new PSSSP policy and budget changes needed to reflect the direction and scope of post-secondary education with First Nation capability to fund a post secondary educational infrastructure. Nationally, these directional changes led to devolution of this program to First Nations and Tribal Councils. In Saskatchewan, the Saskatoon Tribal Council (STC) in 1995 was the first tribal council to actively devolve the program to the First Nation level, leaving its administration with no budget or policy for post secondary education.

### 3.2 Developing A First Nations Education System

Canada's social policies, including post-secondary education, have experienced different reform initiatives in recent decades. In the 1960's and 1970's, Canada laid out the groundwork for the expansion of post secondary education. Until recently, federal support for post-secondary education was provided through the Established Program Financing (EPF) approach. The system was set up to assist provinces with the costs of post secondary education, medicare and hospital insurance. It was a cost sharing arrangement between the federal government and the provinces for the operating costs through a transfer of cash or tax points. During that era, post secondary expansion allowed provinces to increase university capacity and develop a new system by creating community colleges to allow for the delivery of vocational, technical, and adult programming to a population of adults marginalized by education (HRDC, 1994:54).

In the 1990's, anticipated reforms came with the federal government devolving its role in providing support for university funding in general. The Canada Health and Social Transfer (CHST) that affected post secondary education replaced the EPF. Human Resources Development Canada released *Agenda: Jobs and Growth: Improving Social Security in Canada*, which discussed the restructuring of student loans and off-loading the federal responsibility in financing university education. The response from the universities has been to increase tuition, increase classroom size, and restructure programs and colleges to deliver education programs.

More general concern, in Canada, is the threat to university education as a whole.

Universities are under the stress of program cuts, staff cutbacks, overcrowding classrooms and increasing costs (Basran, et al, 1991: 35-58). The issue is likely to further restrict access due to increased costs of obtaining university education for all Canadians.

### **3.3 Federation of Saskatchewan Indian Nations**

The Federation of Saskatchewan Indian Nations (FSIN) is the political and institutional organization of the 75 First Nations of Saskatchewan. The FSIN is constituted under First Nation's law and the supreme governing legislation of FSIN is the **FSIN Convention- establishing the political alliance and the FSIN Convention Act- establishing the organs and institutions of the Federation.** A comprehensive body of First Nations Legislation enacted by the Chief's Legislative Assembly further governs the Federations.

The FSIN represents the First Nations in a territory wholly covered by six of the numbered Crown-First Nations Treaties. The First Nations of FSIN are diverse, consisting of eight (8) national and linguistic groups including:

- Plains Cree
- Woodland Cree
- Swampy Cree
- Saulteaux
- Dene
- Lakota
- Nakota
- Dakota

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Administratively, the FSIN is organized into ten Tribal Councils and seven independent First Nations affiliated political units. The governing body of the FSIN is the Chief and a four-member executive in concert with the Tribal Council Chiefs. The FSIN, under the First Nations Law, operates a wide range of programs and institutions to serve the economic, social, educational, health, cultural and self-government requirements of its over 104,000 citizens (FSIN: 2000).

### **FSIN Education Structure**

The **FSIN Education Act** governs its educational system. The Act establishes the Saskatchewan Indian Education and Training Commission, the FSIN's regional institutions, and the principles and mandates that guide, direct, and empower, the management and co-ordination of an array of comprehensive education services and programs. The local Tribal Councils, regional Educational Authorities, and regional staff support and manage an extensive network of First Nations controlled programs, school systems, curriculum development, and institutions. The education principles developed by the Federation of Saskatchewan Indian Nations Education and Training Commission address the quality of programming, accessibility, equity, portability, transferability, and accountability for the FSIN.



## **First Nations Institutions of Higher Learning**

The release of the document, *Indian Control of Indian Education* in 1972 provided a framework for the development in Saskatchewan institutions of higher learning. The institutions demonstrate for First Nations, what would be the best utilization of resources to create education, training, and employment strategies, for their communities. These institutions have developed programs and services for First Nations in areas of language, culture, adult education, occupational skills and training, trades, vocational, and post secondary education.

The Indian Student Support Program (ISSP) was established to provide financial support to Indian organizations, Indian post-secondary institutions and other post-secondary institutions for the development and delivery of special programs for treaty/status Indian students. In Saskatchewan, initially most of ISSP went to mainstream institutions for enriched programming. The University of Saskatchewan's-Indian Teacher Education Program accessed ISSP beginning in the 1970's. Saskatchewan is the only province with regional First Nations institutions. Funding for the Saskatchewan Indian Federated College and the Saskatchewan Indian Institute of Technologies rely on two sources of funding, the PSSSP and ISSP.

Funding for the Saskatchewan Indian Federated College and the Saskatchewan Indian Institute of Technologies rely on operational funding from the Post Secondary Student Support Program (PSSSP) as well as tuition fees and other service delivery fees. The Saskatchewan Indian Cultural Centre receives operational funding from the cultural centres funding program. In the past, discussions have occurred in the area of accessing EPF, however, to date no negotiations have taken place. The provinces' position is that the monies are for provincial institutions of higher learning with no avenue of access for First Nation institutions.

In Saskatchewan, there are five institutes with programs that are funded by ISSP, namely the Indian Teacher Education Program (ITEP), Northern Teacher Education Program/Northern Professional Access College (NORTEP/NORPAC), Saskatchewan Urban Native Teacher Education Program (SUNTEP), and Saskatchewan Indian Institute of Technologies (SIIT). The programs offer students an opportunity to access academic, technical skills, tutorials, smaller classrooms, cultural components, academic and personal counselling that makes the programs and the institutes successful.

### **Saskatchewan Indian Federated College**

In 1976, the SIFC originated as a Federated College with the University of Regina. The SIFC is a fully accredited First Nation degree program in social work and education. The SIFC has three campuses in operation in Regina, Saskatoon, and Prince Albert. The SIFC delivers the overwhelming majority of courses taken by students in its programs, in Arts and Science, Fine Arts, Business Management/Public Administration, and other degree programs at the University of Regina.

The SIFC has developed the experience and the expertise to deliver these programs on campus and off, in the province and across the country. The SIFC holds the promise of providing programming through existing First Nations controlled community colleges and in First Nation communities across the country. The SIFC is a unique position to provide the organizational impetus and to establish the academic basis for nation-wide system of university programming such as that proposed by the Royal Commission on Aboriginal People in 1996..

The SIFC is gravely under-resourced. Like other university institutions, it seeks a balance between teaching, research and service. College staff does considerable research and provides valuable service to First Nations governments, institutions, and communities.

However, the serious under-resourcing has forced the College to concentrate almost exclusively on teaching activity. Yet, research is the foundation of a knowledge-based economy. It contributes to economic development, solves pressing social problems, and enriches the curriculum for mainstream post secondary institutions, research is essential for SIFC to create a lively, relevant, culturally appropriate curriculum, which meets the needs of First Nation's students and communities.

(SIFC, 1995:1-2)

### **Saskatchewan Indian Institute of Technologies**

In 1976, the Province of Saskatchewan established the Community College system to deliver adult education programs to local communities. The First Nations response was the development of Saskatchewan Indian Institute of Technologies (SIIT) in 1976 to address the training needs of First Nation communities. From 1976-1982, SIIT delivered short-term, non-accredited skills training courses delivered at the First Nations level. SIIT has been involved with delivery of programs in Adult Basic Education, Skills and Trades Training and Technical and Vocational Training

In 1985, the FSIN passed the *Saskatchewan Indian Institute of Technologies Act*. The Act authorizes the college to proceed with plans to change the status from a community college to an institute of technologies to constitute SIIT as a post secondary educational institution of the Federation of Saskatchewan Indian Nations. The programs and services of SIIT have been expanded and modified over the years to meet the growing education and training needs of Saskatchewan First Nations.

SIIT became one of the first, First Nation-controlled post secondary institutes in Canada. SIIT operated under the Regional Colleges Act in the province until, May 2000, when its status was acknowledged and recognized as a technical institute. SIIT initially delivered adult upgrading, introductory skills and trades, and basic management training to First Nation's adults throughout the province. The programming mixture has evolved to include certified technical, vocational, and trade programming. More recently, SIIT continues to develop unique programming to meet the growing vocational and technical training needs of First Nation's communities.

SIIT delivers programming at campuses located throughout the province. As well, community-based training is delivered as requested. Some programs are delivered through joint-management arrangements with Tribal Councils. SIIT has the capacity to deliver SIIT-developed programs to interested First Nations outside of Saskatchewan (SIIT, 1996:4-5).

Student support services are provided to meet the career and employment goals of students. Students have access to counsellors who can advise and assist them to complete successfully their training by accessing tutors, community resources, elders and support services students may need. SIIT is involved with the post secondary counsellors and works to secure students success in educational endeavours.

In summary, SIIT has proven itself flexible and effective in meeting the changing and expanding training needs of First Nations people including the provisions for new training courses linked to growing economic development initiatives from First Nations business and government sectors. However, as SIIT moves into the next century, it will continue to face ever increasing challenges. The ability to access stable operational funding is a primary factor to meet the increasing educational and training demands.

### **3.4 Saskatchewan as a Case Study for Student Enrolment Trends**

Saskatchewan is witnessing a change in demographics including migration out of the province, an aging population and an increasing First Nations' population. In First Nations' country, the young population is requiring another strategic approach, as there are limitations in programs, services and allocations. This and the following sections will examine the question of how can post secondary education be supported to enhance and continue to build capacity in the area of education, training and employment? This chapter will examine Saskatchewan First Nation student population in relation to education and training needs.

The demographics indicate a growing First Nation young population that will require education and employment resources. Given the dynamics within Indian country, the likelihood, that, "A reserve Indian is three times more likely to die a violent death before the age of 65 other than Canadians. Cree boys in Saskatchewan have better odds going to jail than finishing high school" (Smith: 1993:3) speaks to the critical issues faced within the First Nations communities, specifically to the challenge of improving a quality of life for those residing on and off the reserve. The education, training and employment of a diverse First Nations population with diverse needs will require a strategic approach to address the phenomena.

## Registered Indian Labour Force with Various Participation Rates Scenarios

<b>20 YEAR FORECAST</b>	<b>CONSTANT PARTICIPATION RATES</b>	<b>FORECAST (PARTIAL PARITY)</b>	<b>Full Parity</b>
<b>1998</b>	25,896	25,896	25,896
<b>2003</b>	32,167	34,753	35,997
<b>2008</b>	39,962	46,542	49,680
<b>2013</b>	49,097	60,843	66,721
<b>2018</b>	59,186	76,422	85,936

1. Saskatchewan Labour Market Trends (2000:61)

The Saskatchewan Labour Market Trends (2000:59) forecasts the labour market for Registered Indians in the province: “ The Indian labour force participation rates are expected to improve over the next twenty years but the degree of the improvement is difficult to estimate. There has been progress in educational levels for the Indian population so this should naturally lead to higher participation rates over the short term. On the other hand, the twenty year forecast period is probably not long enough to completely close the gap between the Indian and non-Indian rates”.

One of the many challenges is providing education, employment and training for First Nations that permits and promotes self-reliance. In order to address critical issues of today, rather than allowing them to swell, strategies must take place that will give the younger generation a quality of life enjoyed by most Canadians. Some improvements have been made, however, there is still a need for further improvement. Governments both First Nation and non-First Nation face struggles to access dollars for training which means that some people will qualify while others may not qualify.

There are those who will qualify and be successful in employment within First Nations government and institutions, as well as non First Nation government and institutions both in the public and private sectors. There is a movement towards greater participation and equity.

### **3.5 Implications of Policy Change**

This following sections deal with the impact on students and potential students of policy changes in the area of post-secondary education. The data collected analysis the Kindergarten to Grade 12 enrolment as a way to demonstrate the needs of graduating students. The data profiles a ten-year period, from 1987-1997, to address historical and future implications of post secondary education for First Nation students. The data concern enrolment rates from a national perspective and provide information to analyse the impact for Saskatchewan First Nation students. The project of moral regulation is examined with respect to determinations about by who is the right kind of Indian to be granted access to education in terms of particular fields of study.

What has been the impact of policy changes and devolution of post-secondary education enrolment during the ten-year period? Many factors have affected the participation of First Nations students who wish to attend post-secondary institutions. These factors include: policy changes, increases in books/tuition/living expenses, shortages of employment, and changes in administration and allocations. In ten years, the population of First Nations students has steadily increased while the funding for students has remained restricted.

In 1993, INAC imposed a change in the budget amounts imposing no growth of the program, with the rationale to provide equity for all First Nations, as some budgets were not to receive any increase or additional dollars. During 1993, there was a federal election. The Liberal party platform included plans to increase the funding. However, the amount that the province of Saskatchewan received for the 1994-95 academic year was 3.4 million (from the 20 million promised by the Liberal Redbook campaign) to address the needs of the student population. This did allow First Nations to send additional new students and to assist First Nations in addressing their waitlist of applications.



### **3.6 Analysis of the K-12 System**

The purpose of this section is to examine the K-12 enrolment. This will help us to understand the size and configuration of the pool of graduating students who could access post secondary education. Data is from two sources, the Department of Indian Affairs and Northern Development and the Saskatchewan Indicators Report (1998). The data collected measure trends in Indian education through the nominal roll maintained by DIAND. The nominal roll is those students who are federal government responsibility.

In the past ten years, there has been a change in the type of school attended by First Nations students from federal schools, provincial schools, to band controlled schools. The Saskatchewan Indicators Report (1998) demonstrates that, in 1986-87, 48.06% of First Nations students attended band controlled schools while 16.05% attended federal schools and 35.40% attended provincial schools. By 1997-98, the proportion attending band-controlled schools increased to 78.85% while almost none attended federal schools, which closed their doors in 1996, and 21.15% attended provincial schools. The decrease over the ten-year period from provincial to band controlled schools was 14.25%.

**Table 3.1 Saskatchewan First Nations High School Enrolment by School Authority**

Academic Year By Grade		First Nations Schools		Provincial Schools		Federal Schools	
<b>1994-95</b>	<b>Total</b>						
<b>K-12</b>	<b>16,007</b>	<b>11,842</b>		<b>4,041</b>		<b>5</b>	
<b>Grade</b>	<b>Total</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Grade 9	963	630	(65.4%)	328	34.0	5	.5
Grade 10	1280	830	(65.0%)	450	35.0		
Grade 11	675	412	(61.1%)	263	38.9		
Grade 12	585	355	(60.7%)	230	39.3		
<b>1995-96</b>	<b>Total</b>						
<b>K-12</b>	<b>16,508</b>	<b>12,475</b>		<b>3,895</b>		<b>9</b>	
<b>Grade</b>	<b>Total</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Grade 9	1152	761	66.0	382	33.2	9	0.8
Grade 10	1107	731	66.0	376	34.0		
Grade 11	701	392	56.0	309	44.0		
Grade 12	611	369	64.4	204	35.6		
<b>1996-97</b>	<b>Total</b>						
<b>K-12</b>	<b>17,073</b>	<b>13,190</b>		<b>3,747</b>		<b>4</b>	
<b>Grade</b>	<b>Total</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Grade 9	1086	753	69.3	329	30.3	4	0.4
Grade 10	1225	758	61.9	467	38.1		
Grade 11	652	401	61.5	251	38.5		
Grade 12	611	394	64.5	217	35.5		
<b>1997-98</b>	<b>Total</b>						
<b>K-12</b>	<b>17,336</b>	<b>13,714</b>		<b>3,622</b>		<b>0</b>	
<b>Grade</b>	<b>Total</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Grade 9	1178	821	69.7	357	30.3		
Grade 10	1317	882	67.0	435	33.0		
Grade 11	685	418	61.0	267	39.0		
Grade 12	608	417	68.6	191	31.4		
<b>1998-99</b>	<b>Total</b>						
<b>K-12</b>	<b>17,650</b>	<b>13,642</b>		<b>4,008</b>		<b>0</b>	
<b>Grade</b>	<b>Total</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
Grade 9	1104	766	69.4	338	30.6		
Grade 10	1320	811	61.4	509	38.6		
Grade 11	699	412	59.0	287	41.0		
Grade 12	633	397	62.7	236	37.3		

Source: Department of Indian Affairs (1993-98) and Saskatchewan Indicators Report (1998)

Table 3.1 examines the enrolment of First Nations high school students over a five-year period. The enrolment rates reflect only those students whom DIAND is responsible for and does not reflect the total student population. The enrolment does not reflect those students who are considered to be off the reserve. By tracking a student in a succession of years to grade 12, we see a retention issue. The loss of students from one year to the next could be attributed to several factors including, drop out rates, migration, and students who are no longer a responsibility of the federal government. For example, the total number of students in Grade 9 in 1994-95 is at 963 while by 1997-98 only 608 are enrolled in their respected level of Grade 12 reflecting a 37% decrease in enrolment. However, the figures do illustrate that 63% of the students are completing and would have the education credentials to enter technical and post secondary institutions of study.

Table 3.1 demonstrates the increased enrolment in First Nations schools and the number of Grade 12 students who would be eligible for funding from 1994-1998. The table does allow for analysis of the new grade 12 student who may wish to enter into technical or post secondary education. If all these students are graduating, how many of them will and can access post secondary education as a viable choice?

### 3.7 Saskatchewan First Nations Student Population

For First Nations women, many are female-headed lone-parent families, and have little choice but to leave their communities in order to look for better housing, employment, and education opportunities. Norris (2001:13) states that, “ Aboriginal women may be more likely to have higher education than Aboriginal men, and therefore may be better suited to take advantages of employment opportunities in urban areas.”

**Table 3.2 Saskatchewan Post Secondary First Nation Student Population by Gender By Student Status**

<b>Academic Year</b>	<b>Student Population</b>	<b>Female</b>	<b>Male</b>	<b>Full Time Students</b>	<b>Part Time Students</b>
1987-88	1836	1191 (65.3%)	634 (34.7%)	1720 (93.8%)	114 (6.2%)
1988-89	1872	1283 (66.9%)	612 (33.1%)	1711 (91.5%)	159 (8.5%)
1989-90	1897	1259 (66.9%)	623 (33.1%)	1720 (92.7%)	136 (7.3%)
1990-91	2588	1742 (67.3%)	846 (32.7%)	2467 (95.3%)	121 (4.7%)
1991-92	2384	1559 (65.3%)	824 (34.7%)	2193 (92%)	190 (8%)
1992-93	2699	1787 (66.2%)	912 (33.8%)	2520 (93.4%)	179 (6.6%)
1993-94	2300	1431 (62.2%)	869 (37.8%)	2133 (92.7%)	167 (7.3%)
1994-95	2687	1766 (65.7%)	921 (34.3%)	2393 (89%)	294 (11%)
1995-96	2903	1890 (65.1%)	1013 (34.9%)	2542 (87.6%)	361 (12.4%)
1996-97	3057	2032 (66.5%)	1025 (33.5%)	2471 (80.8%)	586 (19.2%)
1997-98	2848	1946 (68.3%)	902 (31.7%)	2470 (86.7%)	378 (13.3%)

Source: Department of Indian Affairs: (various years)

Over a ten-year period, many factors have affected the enrolment rate of First Nations students. Budgetary restraints coupled with policy changes and directions limit the number of students who can attend an institution of higher learning. Table 3.2 is Saskatchewan Post Secondary First Nation student population by gender and by student status. As previously mentioned, with respect to Table 2.1 a high proportion (about two-thirds) of the students are women, and do attend university full-time. Budget constraints, then, will disproportionately affect women.

Another trend is that students attend post secondary programs on a part-time basis. Students are prioritise, for example, part time students attending full-time would be next in line to receive access to full funding. This was a direct response to the limitation of the policy changes of 1993, as the number of students attending full-time decreases and the number of part-time students' increase. Part-time funding does allow for some assistance to students who wish to pursue their education.

### **3.8 Analysis of 17-34 Year Age Cohort**

In examining the impetus for policy change one needs to examine the impacts of budgetary reality. Policy planners working for INAC need to find an age cohort that represents a majority of students who are attending university and devise a formula for policy and budget costs. The age cohort would represent equity within a student population when compared to the national rate of education for the same age cohort of students. The age cohort of 17-34 represented to policy and budget planners the student population when compared to the national rate of education for the same age cohort of students. Ideally, the younger the student, the would normally be less cost as the perception is that most would not have children and be more likely to complete their program.

The planners knew it then and still do that higher than average proportion of First Nations students were and are older than 34 years (i.e.-this fact is reported by DIAND and Treasury Board). The reality for many First Nation administrations is that the student population is older and not younger and usually students have dependants. The reality is that most First Nation students are single parents. Part of the reason for First Nation students being older is they enter university and technical institutions as mature students. Mature students are students who are over the age of 21 and have been out of the school system for more than one year. The mature enrolment can be viewed as representing half of the First Nation student enrolment. It is the reality for many students that they will come to school as single parents as they realize that education will lead to employment needed to achieve economic stability.

**Table 3.3 National First Nations Enrolment in Post Secondary Institutions by Age Cohort**

<b>Academic Year</b>	<b>First Nations Enrolment</b>	<b>17-34 Age Cohort</b>
1987-88	14,242	N/A
1988-89	15,572 <sup>1</sup>	N/A
1989-90	18,535	N/A
1990-91	21,300	N/A
1991-92	21,442	N/A
1992-93	21,566	N/A
1993-94	23,068	11,578 <sup>2</sup>
1994-95	24,482	12,551 <sup>2</sup>
1995-96	27,183	13,608 <sup>2</sup>
1996-97	26,987	12,752 <sup>2</sup>
1997-98	27,172	13,230 <sup>2</sup>

Source: Indian and Northern Affairs Canada: Basic Departmental Data, (1997-99)

Notes:

1. Since 1988-89, numbers include students in University and College Entry Programs
2. The enrolment is an estimate that includes reported and non-reported counts

In 1993, the 17-34 year age cohort accounted for half of the student population. In Table 3.3, the national enrolment in 1993-94 demonstrates that 50% of the students represents the 17-34 age cohort. In 1994-95 the national enrolment demonstrates that 51% of the students represents the 17-34 age cohort. In 1995-96 demonstrates that 50% of the students represents the 17-34 age cohort. In 1996-97 demonstrates that 47% of the students represents the 17-34 age cohort. In 1997-98 demonstrates that 49% of the students represents the 17-34 age cohort. The foregoing data reveals a relatively stable pattern in the 17-34-age cohort for the five-year period from 1993-1998.

### 3.4 Saskatchewan First Nation Student Population by Budget Allocations by Age Cohorts

Academic Year	Student Population	Budget Allocations	17-24 yrs.	25-29 yrs.	30+
1987-88	1836	*	656	747	389
1988-89	1872	*	737	716	419
1989-90	1897	*	623	798	476
1990-91	2588	*	968	1035	578
1991-92	2384	*	*	*	*
1992-93	2699	27,539,000	*	*	*
1993-94	2300	30,750,000	718	542	1040
1994-95	2687	35,421,000	898	647	1142
1995-96	2903	37,861,000	960	697	1246
1996-97	3057	39,124,600	1015	726	1316
1997-98	2848	40,567,200	*	*	*

1. Department of Indian Affairs: (1987-1997)

\* The table is incomplete due to the difficulty in data collection.

The Department of Indian Affairs has collected and measured different variables over different time periods. Therefore, Table 3.4 is incomplete with the age cohorts, as the data collected could not provide analysis for three years. What the table does demonstrate was that the number of students age 30 and higher was increasing and within three years increased by 189 students from 389 students in 1987-88 to 578 students in 1990-91. When the funding formula changed to the 17-34 year age cohort as a baseline, in 1993-94, there was an increase of 661 students. We see that in 1993-94; 45% of the student population was 30 and higher; in 1994-95, 42% of the student population was 30 and higher; in 1995-96, 42% of the student population was 30 and higher; in 1996-97, 43% of the student population was 30 and higher. From the view of the department, the 17-34 year old age cohort represents more the half of the student population. The budget was allocated on the basis of single students.



The reality within First Nations was the older student with dependants whose needs would be over the limits allocated to the single student. The result is that the resources needed were greater than had been provided for single student allocation.

**Table 3.5 Comparison of Post Secondary Enrolment Rates of Registered Indians to All Canadians**

<b>REGISTERED INDIANS</b>	<b>1993-94</b>	<b>1994-95</b>	<b>1995-96</b>	<b>1996-97</b>	<b>1997-98</b>
<b>Enrolment 17-34</b>	11,578 <sup>2</sup>	12,551 <sup>2</sup>	13,608 <sup>2</sup>	12,725 <sup>2</sup>	13,230 <sup>2</sup>
<b>Population 17-34</b>	192,631	191,351	194,211	196,290	198,114
<b>Enrolment Rate</b>	6.0	6.6	7.0	6.5	6.7
<b>All Canadians</b>					
<b>Enrolment 17-34</b>	834,291	890,182	900,785	884,123	912,200
<b>Population 17-34</b>	8,229,200	9,072,457	10,015,283	9,969,822	9,929,016
<b>Enrolment Rate</b>	10.1	9.8	9.0	8.9	9.2

Source: Indian and Northern Affairs: Basic Departmental Data: (1997-99)

Table 3.5 summarizes university and college enrolment for First Nations.

Unfortunately, in 1996, due to a difference in DIAND's and Statistics Canada population base, DIAND did not provide comparable data for previous years as DIAND removed 1990-91 to 1992-93 enrolment rates. Therefore, a five-year analysis is used to demonstrate the point that equity is lost, as the numbers are not reflected in the reality of the support for First Nations student population.

Table 3.5 does demonstrate that if the policy change was to support equity and the education of the age cohort the student enrolment should have increased. If First Nation students were at 10.1% for 1993-94, the numbers should have increased by 7,685 students. In 1994-95 the enrolment was at 9.8%, the numbers should have increased by 6,975. In 1995-96, the enrolment was at 9.0%; the numbers should have increased by 7,971 students. In 1996-97, the enrolment was at 8.9%; the numbers should have increased by 9,330 students. In 1997-98, the enrolment was at 9.2%; the numbers should have increased by 8,304 students. The underlying principle of the age cohort was to establish a point of equity with the rest of the country. Whereas contradictions around this principle can create the impression of providing equity, in practice equity is still far from attainable.

**Table 3.6 Saskatchewan Full-time Undergraduate Enrolment by Major Area of Study by First Nations and total Students in the Province**

<b>Major Area of Study Academic Year 1996-97</b>	<b>First Nations #                      %</b>	<b>Saskatchewan #                      %</b>
<b>Agriculture and Bio Science</b>	16                      0.7%	2,192                      10.0%
<b>General Arts and Science</b>	691                      32.3%	989                      4.5%
<b>Business/Commerce</b>	182                      8.5%	2,503                      11.5%
<b>Education</b>	351                      16.4%	3,332                      15.3%
<b>Engineering/Applied Sciences</b>	20                      0.9%	1,722                      7.9%
<b>Fine &amp; Applied Arts</b>	60                      2.8%	565                      2.6%
<b>Health Professions</b>	64                      3.0%	1,319                      6.0%
<b>Law</b>	46                      2.2%	320                      1.5%
<b>Mathematics/Physical Science</b>	8                      0.4%	937                      4.3%
<b>Native Studies</b>	43                      2.0%	N/A
<b>Social Sciences &amp; Services</b>	272                      12.7%	3,233                      14.9%
<b>Humanities &amp; Related</b>	56                      2.6%	1,299                      6.0%
<b>Other</b>	328                      15.3%	3,366                      15.5%
<b>Total</b>	<b>2,137                      100%</b>	<b>21,777                      100%</b>

Sources: DIAND Program Data, 1998:127 and Statistics in Canada-Education Minister of Public Works and Government Services, 1998

Moreover, the agenda of moral regulation and educating the right kind of Indian is evident when examining major area of study. Students are limited in fields of study by levels of funding provided and high tuitions in areas such as Dentistry. The table shows the overall patterns among First Nation students and the total undergraduate population in Saskatchewan. Generally, First Nation students are heavily concentrated in major areas of study deal with human services, including education, social work and general arts and science. First Nations students are under-represented in the areas of applied sciences, business, and mathematics while slightly higher in the area of law.

### 3.9 Conclusion

First Nations belief is that the spirit and intent and the promises contained within the numbered treaties advocate the treaty right to education. A right to access is a recent event in the 20<sup>th</sup> century with the waitlists of the 21<sup>st</sup> century as reality Indians are still waiting for the promises of the numbered treaties. The implementation of First Nation's sovereignty is problematic for the Canadian government because of the impact in defining the implementation of treaty rights and recognition of First Nation's jurisdiction within the current social reality.

At the First Nations level, the impact of the restricted access is problematic, as access to post secondary education has only occurred since the 1960's. The treaty right to education is challenge, as budget constraints do not allow for all students who are eligible will receive funding. Due to the nature of the political climate, it is difficult for First Nations to assert education as a treaty right. The issue of "*treaty right to education*" remains unresolved.

In terms of financial responsibility, national budget allocations for programs and service for First Nation administration determine the mandate of DIAND. The federal government has off-loaded post secondary education to the First Nation level, resulting in decreases of staffing, administration dollars, and an increase in student waitlists. An analysis of how the program was administered by DIAND is needed to make it understandable how deficits are created in order to educate those continuing in the program and for new students who can access funding for a given academic year.

The reality for First Nations administrations has been the need to develop restrictive policies for post secondary education, by defining student criteria and administration of the post secondary program. These policies occur within a program that is inadequately funded and thus cannot address the needs of the total First Nation student population.

The rationale given by the federal government was to provide equity to all First Nations in terms of the participation rate in advanced education. But budget constraints in post secondary education do not allow for the needs of all First Nations to be met. It is difficult to prove that uncapping the funds would increase the number of First Nations students when it appears that the student population is continual increasing. While it is true that the population is increasing, the funding per student is decreasing.

However, it is still questionable as to how the federal government can address equity with limited resources, as the issue of “*treaty right to education*” remains unresolved. The FSIN (1999) points to the reality that, “the needs of First Nations in adult literacy, upgrading, trades, technical, and vocational level training are under funded. Therefore, the number of First Nations students who can attend university is pre-determined at the First Nations level, and, some First Nation’s students must wait for funding to attend advanced level education.

The First Nations institutions need to be supported to assist in the building of First Nation communities to enhance their capacities in the area of education, training, and employment of their band members. Ultimately, First Nations ability to be able to provide access education, training, and employment strategies will enhance the quality of life their band members.

## **Chapter Four:**

## **Sovereignty**

### **4.1 Sovereignty and Special Status**

In the previous chapter, I have presented the history of post secondary education as it applies to First Nation people in Canada. Throughout my journey, I have sought to understand how social policies were created, developed and supported to control First Nation people, their land and their resources. The notion of sovereignty provides an understanding of how state policies impacted upon and later applied to First Nations in Canada. The notion of sovereignty provided me with the how rationale but, moreover, it allowed for a deeper understanding of assimilation within the wider project of moral regulation. I needed to understand how one nation could be stripped of political and civil rights and another nation retained their rights. The reason that no one seemed to intervene was that they were lead to believe that First Nation people were children who needed to be taken care of, and the state was obligated to take care of them.

Self-government is an area inciting debates around the nature and scope of treaties and federal government fiduciary obligations in the twenty-first century. It is important to understand how in the nineteenth century, the state developed and instituted structures with systems and policies based on their notion of sovereignty to exploit available natural resources in Canada. As in the nineteenth century, the state sought to secure its agenda by signing treaties in order to control the lands and its people allowing for the successful development of the new frontier under a particular notion of sovereignty.

Beginning in the nineteenth and continuing into the twenty century, the goal of social policy developed by the state and governmental officials was to assimilate First Nations into appropriate roles for contemporary society; i.e., "products for modernity." The state and the state's policy implemented by governmental officials did not allow for First Nations to develop at the same rate or pace as Canadian citizens. First Nations did not participate in the acquisition of wealth and capital in the industrial society. The state assumed that for humanitarian reasons, First Nations should become civilized.

This chapter examines the development of Indian policies and the subsequent establishment of bureaucratic administration of Indians and Indian lands by the Canadian state. The following sections will address how and why First Nations continue to exert their claims to sovereignty and to assert their special status within current policies and implementations of self-government. The notion of sovereignty provides a framework to examine the assimilation of First Nations. The state sought to impose its notion of sovereignty and define the terms of assimilation through a wider project of moral regulation with the development of policies that ensured its objective to produce, what I call, the right kind of Indian.

## **4.2 State imposition of its their notion of sovereignty upon First Nations**

The history of First Nations of Canada is two sided: on one side First Nations have been subjected to paternalistic state policies, while, on the other side, is the history of resistance to those policies. The histories have one common thread, the development of policies based on the "special status" of First Nations. Today, First Nations continue both to claim sovereignty and to defend their special status.

In this section, I discuss why sovereignty and special status must be maintained for the continual survival of First Nations into the twenty-first century. The literature summarizes the history of domination and surveillance of First Nations as Canada asserted its notion of sovereignty upon First Nations. It allows an understanding in the loss of political and civil rights and the assertion of sovereignty that continues into the twenty-first century.

This section deals with the impact of industrial capitalism on First Nations lands and its resources and First Nations resistance to the swift changes that accompanied industrial capitalism expansion. Industrial capitalism resulted in changes in the new and old worlds as international partnerships would enhance and create more wealth for the chosen few. However, First Nations were not considered as international partners nor did they participate as equals in the acquisition of wealth and power in the development of industrial capitalism.



First Nations were the original custodians of the land long before the arrival of the newcomers to the shores of North America. The Royal Proclamation of 1763 defined Indian Territory and protected Indians and Indian Territory from fraud and abuse. The Royal Proclamation of 1763 supports the pre-existing right of sovereignty over the land and First Nations people. The British Crown recognized that First Nations had the right to the land. The Crown recognized that if it wanted the land for settlement the government or other agents must legitimately purchase the land. The Crown understood that its own and ignore First Nations title. Implicit in this recognition of pre-existing title was the recognition of First Nations sovereignty and self-determination.

Historically, in 1755, the administration of Indians by the Crown began with the establishment of the British Indian Department. In 1830, the British Crown consolidated all acts pertaining to Indians. In 1867, Confederation resulted in the creation of Canada and the passing of the *British North America Act*. Under section 91, subsection 24, the BNA Act transferred the responsibilities for administering Indians and Indian lands from the British Crown to Canada. The transfer gave federal government legislative authority to govern Indians and the lands reserved for Indians through the Royal Proclamation of 1763.

When First Nations signed the treaties, they saw the needs of the generations to come, and what they might need to sustain a standard of living. First Nations signed the treaties as a protection of a way of life. They understood that it was for the continuing development and survival of their sovereignty, nationhood, language, identity, and continual practice of their culture. The contradictions lie within the process by which the state sought to protect and civilize First Nations for entrance into the larger society.

The key to understanding the contradictions and implications lies within understanding the theory of sovereignty and how the state imposed its definition of sovereignty upon First Nations.

Foucault's notion of sovereignty allows us to examine how the monarchy and parliamentarians to secure title of the lands used the rationale of capitalism and power. The industrial revolution brought its own swift changes with globalization and the treaties being negotiated cemented the powers of the monarchy, state planners and the church. The purpose of reducing all people's role to that of non-active participants in industrial capitalism displaced all citizens; for First Nations, the displaced would not render freedom even in the twenty-first century.

Historically, the pre-existing right to sovereignty has somehow been ignored or eroded when it implies both self-determination and land title. First Nations maintain they have never relinquished their right to self-government, self-determination and title to the land. First Nations maintain that their rights have been stripped from them. First Nations understood the notion of sovereignty. However, sovereignty for First Nations people has meant extensive controlled policies in all aspects of their day-to-day existence by the Federal Government and the Department of Indian and Northern Affairs. It is only in recent years that the government is considering issues of First Nations self-government and self-determination and the settling of land claims. First Nations understood that the different skills were to be necessary to participate fully in modern society and believe that they too could acquire wealth and power as equals.

Ward Churchill (1994:304) outlines the rationale used by the Crown in the development of agreements and treaties as bounded by international law and custom:

What is interesting to note in this connection is that prevailing international custom and convention to which England was then bound held that treaties were instruments of understanding and agreement which could exist only between sovereign nations.

The concept of nationhood secured the land for usage in industrial capitalism. However, to recognize First Nations as nations was contradictory. The government and its officials were not displaying any concern for First Nations sovereignty and self-determination. Rather, "the colonizing powers were preoccupied mainly with the forging of a system of international law which would anchor their relationship to one another in such a way as to allow for maximally efficient global expansion" (Churchill, 1994:307). The apparent paradox is that the state did not intend to honor the commitments outlined in agreements and treaties as the government was involved with tribes in their policy development, in other words, the divide and conquer tactic.

An example of a divide and conquer tactic lies within the discourse of the *Indian Act* that purposely discriminates against women, i.e. section 12(1)(b). The implementation of the *Indian Act* against the Indian people was based on a short-term application. Indian people were to become assimilated under the guise of protection and segregation. The government knew fully well that the *Indian Act* would work in its favor. What they did not realize was First Nations would resist this latest onslaught against their culture and begin to form a collective resistance to the tactics of assimilation contained in the *Indian Act*.

### **4.3 How was the notion of sovereignty imposed?**

Foucault did not discuss First Nations sovereignty in his analysis. However, I will use his work to articulate the historical struggle around the acquisition of wealth and capital enjoyed by the Crown and state by obtaining vast tracts of land, including First Nations land. The impact of globalization, with the birth of industrial capitalism, was world shattering due to the merging of land, people and resources. Thus, the birth of the state emerged requiring a complex bureaucracy for its administration to ensure the success of industrial capitalism.

The Crown and the state secured a labour force by having people embrace the notion of sovereignty, which allowed citizens to acquire wealth, goods and services. The reality of bourgeois planners in implementing sovereignty was for the success of industrial capitalism. As Foucault explains, "The theory of sovereignty is something which refers to the displacement and appropriation on the part of power, not of time and labor, but of goods and wealth." (1976, 1994:42) The safety measures of the state were to ensure the success of industrial capitalism by imposing a notion of sovereignty allowing for components of surveillance and domination of citizens by the creation of legal, political, religious, and civil codes.

The social contract is how the state morally regulated its citizens to have state protection while simultaneously requiring citizens' labor to secure the social contract of protection and subsistence. The notion of sovereignty and the social contract was how the state was able to ensure the moral regulation of citizens and secure division of labor maintaining the state's status quo, ensuring the economic production and circulation of goods and services by the creation of a monetary exchange.

This allowed for subjects to access luxury items that aristocrats and royalty previously enjoyed.

The state enforced laws regulating citizens' behaviour and participation in capitalism, thus limiting emancipation promised by joining the state and embracing sovereignty. Foucault (1994:42) believed that the notion of sovereignty was “one of the greatest inventions of the bourgeois society. It has been a fundamental instrument in the constitution of industrial capitalism and the type of society that is its accomplishments”. The notion of sovereignty embraced the political and civil rights of people and imposed the state's restriction of political and civil rights upon citizens. However, it allowed the state to flourish in a capitalist market.

It is important to understand the development of the notion of sovereignty as it provides an understanding of the development of state administration and policy development to directly deal with First Nations. In Canada, state planners needed a larger scale and more complex administration for the security of industrial capitalism. The historical development of the DIAND, researched by Sally Weaver (1986) and Vic Satezewich (1996) discusses how the state planners eventually created policies defining the right the kind of Indian by administrative and financial control of First Nations.

Titley (1986) argues that First Nations have existed in a system of domination and surveillance since the onslaught of colonization in the late 1600's. The goal of state planners of the time was to secure the land base for future expansion. It was during the fur-trade that First Nations and their experienced labor power were accepted with the extraction of furs for the trade of goods and services.

The decline of the Indian would come with treaties and industrial capitalism displacing a nation and stripping them from economic access. Wotherspoon and Satzewich (1993:46) state, “the timing of the economic marginalization of aboriginal peoples points to a more complicated picture in which their experiences were closely tied to the vagaries of industrial capitalism”. The expansion of industrial capitalism resulted in First Nations redefining their existence within capitalism. Industrial capitalism resulted in vast tracts of First Nations land being acquired by the government of Canada to be used for the development and security of capitalism.

Foucault's notion of sovereignty provides understanding to how the state, by asserting sovereignty, was able to dominate Indians and acquire Indian lands. Foucault examines sovereignty as the legitimate rights and the legal obligation of citizens to obey the state. The notion of sovereignty provides a framework for the acceptance of moral regulation as to why subjects accepted their reality. Subject movements are restricted by various components of surveillance and domination, i.e.; the creation of a military force. The moral regulation of the subject is to obey the legal rights and defend the legitimate rights of the state. Acceptance is through individual actions. It is not a relation of sovereignty as equals; rather, it is a relation of domination and surveillance, i.e. reserves for segregation and the *Indian Act* for control. Industrial capitalism did not allow for the active participation of First Nations labor; rather it resulted in a system of surveillance and domination through the creation of reserves that resulted in First Nations being denied access to the mainstream labor market and goods and services.

Foucault historically traces power to the monarchy or to the royal power that existed under feudal monarchy. In the sixteenth century and continuing into the seventeenth century, the practice of sovereignty helped to establish large-scale administration of citizens, lands, and resources for the bourgeois and the monarchy. Foucault (1976, 1994:41) states that:

The theory of sovereignty has been a weapon which has circulated from one camp to another, which has been utilized in one sense or another, either to limit or to reinforce royal power...It serves to function both in the hands of aristocrats and in the hands of parliamentarians. It is found among the representatives of royal power and among the last feudatories.

It is during the eighteenth and nineteenth century that First Nations entered into sovereign agreements with the representatives of the royal monarchy and into the hands of parliamentarians. Royal monarchy and parliamentarians' power was deeply rooted in sovereignty. First Nations partnership included the signing of agreements, and later the numbered treaties. By signing the treaties, First Nations became subjects but not citizens. First Nations entered as sovereign peoples and left as second-class citizens or less. The classification of First Nations as "Treaty Indians" instead of citizens allowed the conditions of domination, surveillance, and moral regulation of their nations. At the same time, however, the classification of First Nations as Treaty Indians led to special status that has somehow become problematic in defining sovereignty and inherent rights of First Nations.

The bourgeois planners needed a larger scale and more complex administration for the security of industrial capitalism. First Nations were under placed under powers place a system of surveillance and domination through the creation of reserves. The creation of reserves led the planners to create a department to administer First Nations. The department hired Indian Agents (non-Indians) to continue domination and surveillance and morally regulate First Nations to accept Canadian sovereignty.

Industrial capitalism displaced First Nations. The wealth and resources extracted placed First Nations in poverty. First Nations existence was under an administration of surveillance and domination. Their daily activities were scrutinized more than other Canadian citizens. Industrial capitalism sought to remove any real power from First Nations.

The notion of sovereignty sought the removal of goods and wealth, time and labor power of First Nations. This stripped First Nations of all the power and the ability to exercise any real power. First Nations were defenceless against the continual assaults by the state and state officials. The state, through the theory of sovereignty, and the organization of a legal code centered upon it, “allowed a system of right to be superimposed upon the mechanisms of discipline in such a way as to conceal its actual procedures, the element of domination inherent in its techniques and to guarantee to everyone, by virtue of sovereignty of the State, the exercise of his proper sovereign rights” (Foucault, 1976,1994:43). The state was successful in the implementation of its sovereignty because it was without intervention from the larger society. The larger society accepts sovereignty as in the hands of parliament and parliamentarians.



Therefore, the assimilation and cultural genocide of First Nations that resulted was justified through means of acceptance as laid out in the dominant society.

For Foucault (1976, 1994:43), "it became necessary for disciplinary constraints to be exercised through mechanisms of domination and yet, at the same time, for their effective exercise of power to be disguised, a theory of sovereignty was required to make an appearance at the level of the legal apparatus, and to re-emerge in its codes." The re-emergence of legal codes allowed for the domination of all its citizens. The legal incarcerations of First Nations on reserves and the development of legal and organised codes completed the effects of sovereignty. Legislation did not allow for any parties to intervene on behalf of First Nations. The acquisition of land resulted in development and modernity. Modernity sought the removal and participation of First Nations through the creation of special status as Treaty Indians.

#### **4.4 First Nations' Assertion of Sovereignty**

Sovereignty allowed parliamentarians to transfer responsibility to administer First Nations from one agency to another. Parliamentarians entrenched sovereignty through a relationship of federalism. Federalism happened when the territories became provinces joined by the Confederation. Sovereignty is the assertion of laws and policies on its citizens by the state in that all citizens recognize the sovereignty of the state and choose to live within its parameters. An example was the state transferring the responsibility of education of First Nations to the Church. The Department later devised a policy for the legal removal of children. The department sought to regulate First Nations sovereignty by creating an Act that curtailed their every movement, the Indian Act. The state sought to ensure sovereignty by incarcerating First Nations children in the educational system.

It allowed for a system of domination and surveillance by the employment of Indian Agents. Indian Agents reported to the Department. The Department, based on the reports of the Indian Agents, rewarded First Nations who did not resist. This is commonly referred to as the "divide and conquer tactic"(see, eg, Frideres, 1993).

First Nations were not considered provincial citizens until the 1960's due to their special status. First Nations were and continue to be a federal responsibility. First Nations' assertion of sovereignty is based on the fact that they have been self-governing before the arrival of the newcomers. First Nations understood about territory, laws, and customs based on each nation's way of life. First Nations sovereignty was not based on domination, surveillance or control of its peoples. First Nations sovereignty was based on the respect of each nation and its citizens. First Nations sovereignty was extended to its brother-to-brother relationships with other nations respecting other's sovereignty and differences and to live in harmony.

The contradictions of First Nations assertion of sovereignty after the signing of the treaties was that for First Nations to become a federal government responsibility, this would disallow First Nations to make decisions without the government. Dickason (1992), Frideres (1993), and Pontings and Giddens (1980) discuss how during the nineteenth and into the twentieth century, the act to administer the Indian Act was a total institution that consisted of practices and rules to control all aspects of First Nations lives. The act allowed for Indian Agents to be the judge and enforcer of all alleged misconduct of Indians.

Dickason (1992) and Hamilton (1995) discuss later amendments to the *Indian Act*. The *Indian Act* limited First Nations' rights and attacked First Nations' ability to defend their inherent rights in the political and civil spheres. The amendments sought to silence the voice of First Nations citizens who resisted the Act and the state's mandate to assimilate. " Protest meetings were outlawed and, during the period from 1927 to 1951, no lawyer could be engaged to fight the cause of any band and it was illegal to raise money to commence a claim against the Crown. Indians had no right to vote in federal or provincial elections."(Hamilton, 1995:10)

The government's intent was the assertion of sovereignty through force if necessary and the signing of treaties. First Nations would not continue into modernity. Titley (1990) and Hamilton (1995) examine Duncan Campbell Scott's intention for Indian policy. "A Deputy Superintendent of Indian Affairs and noted poet of the day, Duncan Campbell Scott, speaking on Indian Act amendments to a Parliamentary Committee in 1920, showed the intent of government legislation when he said:

Our object is to continue until there is not a single Indian in Canada that has not be absorbed into the body politic and there is no Indian question, and no Indian department that is the whole object of this Bill." (Hamilton, 1995:10)

Hon. A.C. Hamilton (1995:9) concludes his history of First Nations by noting; "There is still no agreement today as to the full extent and intent of earlier treaties. The basis upon which the Government acted, which was to run the lives of First Nations until they were assimilated into Canadian society, is not reflected in the treaties. It hardly accords with the promises that were made by the Queen's representatives to which I have referred."

Hamilton understands the contradictions in the history and the outcomes of the agreements signed by First Nations and representatives from the Crown.

Hamilton summarizes the reality of Indian life and the outcome of signing away of political and civil rights. He understands that First Nations did not agree to sign off their political and civil rights. Rather, First Nations signed agreements to share the land and the resources.

"Instead of enjoying the freedom of the past, no Indian could leave a reserve without a written pass from the Indian Agent. Indian people were arrested if they did not have a pass and could not even leave the reserve to fish or hunt without permission. Religious ceremonies and celebrations were forbidden, Indians were prohibited from wearing traditional costumes, and people were stopped from visiting extended family members living on another reserve."(Hamilton, 1995:9)

#### **4.5 First Nations Defending Their Sovereignty**

Foucault's notion of sovereignty discusses how the state has been able to acquire its power and domination over its citizens. I wish to discuss how the notion of sovereignty imposed upon First Nations definition of sovereignty and inherent rights. The application of sovereignty explains the continual assaults on First Nations despite their attempts to reaffirm the Royal Proclamation of 1763, the agreements, and numbered treaties to assert First Nations sovereignty and commitment to the protection of their special status as Treaty Indians.

A Draft policy framework for implementation of the inherent right and the negotiation of self-government is a document from the Department of Indian and Northern Affairs describing the direction and scope of First Nations self-government.

The draft policy frameworks appears in two published released government documents, *Federal Policy Guide: Aboriginal Self-Government: The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Self-Government* (INAC, 1995) and *Canada and Aboriginal Peoples: A New Partnership* (Hamilton, 1995). The frameworks discuss the definition of sovereignty as expressed by the federal government that contradict and override First Nations nation and scope of sovereignty.

INAC (1995) states that,

INAC's rationale is that the relationship must be lessened or devolved away from the federal government in order for self-government to be successful. However, in the policy framework there exist rules of conduct that all parties must agree to before the implementation of self-government.

Hamilton (1995) understands the rationale for the treaty process as a way of resolving the ownership of the land. In the earlier analysis, the land secured by industrial capitalism was for success of capitalism. First Nations exclusion from actively participating as equal partners in the development of capital in modernity resulted in their continual displacement. He summarizes the intent of treaties as follows:

Treaties are required in Canada because there have been no wars of conquest by which lands belonging to Aboriginal peoples were acquired by European nations. The land cannot be described as having been acquired through discovery or occupation as the land was already the domain of Aboriginal nations. The land was not terra nullius, a vast and empty wilderness and thus open to occupation when newcomers came to it. No European government or monarch had the right or authority to claim or grant lands that they did not lawfully possess. That is why the treaty process was, and still is, necessary to resolve ownership issue and to enable Canada and Aboriginal peoples to agree upon and resolve the extent to which each can agree to a sharing of lands and resources (Hamilton, 1995:6).

The frameworks agree that First Nations have a right to self-government as existing within the scope of Section 35 of the *Constitution Act, 1982*. What is interesting is that in the INAC policy denies the idea of sovereignty. "The inherent right of self-government does not include a right of sovereignty in the international law sense, and will not result in sovereign independent Aboriginal nation states" (INAC: 1995:4).

The framework further outlines the scope of negotiations that are not matters for negotiation as:

24. There are a number of subject matters that the federal government is not prepared to negotiate with Aboriginal groups in the context of implementing the inherent right of self-government. These subjects fall into two categories: (i) powers related to Canadian sovereignty, defence and external relations and (ii) other national interest powers. In these areas, exclusive jurisdiction must remain with the federal government. Moreover, there are no compelling reasons for Aboriginal governments to exercise power in these areas, which cannot be characterized as either integral to Aboriginal cultures, or internal to Aboriginal groups (INAC, 1995:21).

The policy rewritten in the federal policy states,

The danger of the documents is that the understanding of inherent rights as existing within the scope of Section 35 of the *Constitution Act, 1982* and within the Canadian Charter of Rights and Freedoms would apply to First Nations. First Nations bound into a relationship of federalism. The relationship of federalism will not lead to an automatic exclusion of either federal or provincial laws that will continue to apply to First Nations. Therefore, the municipal style of self-government outlined by the federal government as the model for self-government would include relationships with the provinces. In the past, the provinces have not entered into agreements with First Nations due to the fiduciary responsibility of the federal government for the implementation of programming for First Nations (INAC, 1995:15).

In other words, First Nations are restricted to international avenues, as they have, by treaty, accepted the federal government's notion of sovereignty. What is interesting is how federalism bounds First Nations acceptance of federalism. In the twenty-first century, First Nations populations reside within both systems, yet the ability to govern is more uncertain than before and the challenges are to negotiate a way of life within the context of the twenty-first century and beyond.

#### **4.6 Summary**

The implementation of programs and services for First Nations operates within the framework of the Constitution of Canada, which maintains the inherent right to self-government. However, the government will not discuss sovereignty within the inherent right of self-government. First Nations, though have been successful in the international arena in asserting First Nations sovereignty and inherent rights to self-government. The right to sovereignty would allow First Nations to be able to negotiate with the provinces as nations as opposed to special interest groups in acquiring educational programs and services as well as other programs and services for their citizens.

Currently, the framework outlines how the federal, provincial and First Nations governments define the implementation of self-government within the Canadian Constitution. The policies outline the organization of a legal code for enforcement. The policy is contradictory. It allows for the jurisdiction of First Nations in a number of areas which endorse inherent rights and which encompass matters that are integral to First Nations. On the other hand Canada maintains its right to sovereignty and the ability to impose its jurisdiction over First Nations.

It is important that the issue of sovereignty and self-government be resolved. First Nations have and maintain their rights to sovereignty and self-government. The continual assaults on the scope and nature of the rights remain an ongoing struggle in the application and interpretation of current modern day treaties. The government's agenda is to ensure that self-government does not reflect First Nations sovereignty.

The First Nation of Canada must rally together as a collective body of resistance with their lowest point of acceptance that of a distinct society with distinct rights attached, as promised to the Indian people at the signing of the numbered treaties. The First Nations people are striving toward this goal. The government on the other hand has come to the foregone historical conclusion that First Nations, having nothing to offer the rest of society, are no longer a requirement within society.

Sovereignty, is as contested concept, remains an elusive goal for the First Nations people. Through education and the support of non-Indian people and institutions, sovereignty may be attainable for the current generation of First Nations people. The First Nations people must be allowed the basic civil right of freedom of speech to inform the government and the public exactly what the concept of sovereignty means to them. It may come as a surprise to the government that the First Nations concept is not much different than its own, other than the fact that First Nations view all people as being equals and not structured on class lines. First Nations operate according to moral regulation. Power is construed as shared and when needed individuals are called upon for their leadership abilities, all have an equal voice in any decisions.



**5.1 Moral Regulation of the Indian**

The purpose of this chapter is to examine the development of state policies and the subsequent establishment of the Department of Indian Affairs to administer Indians and Indian lands. The Church and the state sought to administer a policy of assimilation by enforcing political, civil, and legal codes governed by the *Indian Act*. The state proceeded to administer Indians through the *Indian Act* and instil deep-seated moral regulation by the constraints contained within the *Indian Act*. The state employed agents to enforce the *Indian Act*, stripping First Nations of any autonomy, as Indian Agents were both judge and jury. The theory of moral regulation provides a framework to examine the attempts to assimilate First Nations into accepting state parameters of what constitutes the right kind of Indian. Moreover, it provides a reasonable examination in how moral regulation is enforced in the twenty-first century by continuing to define what is the right kind of Indian.

This section will address why First Nations have continued to emphasize and assert their special status in self-government and self-determination. I argue that government policy is contradictory due to its agendas of moral regulation and its assimilation agenda through defining First Nations as a special status to set conditions for extinguishing of inherent rights. The resistance in these conditions continue into the twenty-first century. I will examine how First Nations are morally regulating their own citizens by their administration of programs and services within their own territory.

The theory of moral regulation is based on the argument that the construction of state policies is a wider project of moral regulation of its citizens. Capitalism was accompanied by the supremacy of the new ruling bourgeois class who through state power legitimized moral regulation. In modern capitalism, the state arose to regulate the social life of the citizens and to maintain social control through the institutes and agencies developed by the ruling class. Corrigan and Sayer (1993) trace the history of state formation by focusing on the cultural dimensions of state forms and activities. They argue that state formation itself is a cultural revolution, and moral regulation serves as central to its power.

The state regulates the social activity of its citizens as well as the national identity of citizens and continues this regulation into the present day system of social policy. The state effectiveness is judged by political participation in electing state representatives. The authors identify the activities, ceremonies, and institutions of the state as cultural forms, which are central to the bourgeois society, and to the complexity of its structures. Corrigan and Sayer (1985:4) call the relationship of citizens and subjects moral regulation. Moral regulation is a project of normalization by which subjects “take for granted as fact the ontological and epistemological premise of a particular historical form of social order”. Within bourgeois society this social order is systematically unequal, structured along class, gender, race, age, religion, occupation, and residency. The state functions to eliminate the recognition and expression of these differences, which is substituted by claims that the primary social identification and loyalty is defined through the state.

They see the process of normalization as fundamental to state formation.

Corrigan and Sayer (1985:4) argue that, “ In contrast to much empirical history, we seek to generalize this experience of painfulness beyond its normal depiction in terms of personal or group ‘exceptionally’: this is how politics and culture work within capitalism- a capitalism, we should also make clear at the start, which has always been integrally patriarchal”.

They provide the framework to understand how moral regulation was deeply integrated with capitalism. Using this framework, I will now examine how moral regulation of Indians is incorporated within the social policies contained within the *Indian Act* as it was determined to extinguish the social order of First Nations lives by administering First Nations day-to-day activities.

## **5.2 Moral Regulation of Indians in Canada**

In Canada, moral regulation of First Nations occurred before the signing of agreements or treaty through the presence of missionaries. The state required government agencies to secure the land and its resources from First Nations to support capitalist development through the expansion of territories for settlement and economic growth. This course of action forced First Nations to relocate on reserves with no economic development resulting in economic dependency. By the late nineteenth century, the government’s key players were the Indian agents who were given power equivalent to the justice of the peace. The Indian agents approved all activities, expenditures, administration, and were key players in the moral regulation of Indians. They were the producers of what the state deemed the ‘right kind of Indian’ to civilize.

In “Patronage, Moral Regulation and the Recruitment of Indian Affairs Personnel, 1870-1900”, Vic Satzewich (1996) discusses the process of state formation in relation to political patronage and moral regulation, both of which played a role in the hiring of personnel within the Department of Indian Affairs. Satzewich examines how the individuals who were hired possessed the influence in the political arena, or through family connections, and religious institutions, which “stems from the fact that its employees, particularly field employees, were expected to be key agents in moral regulation” (1996:226).

Similar to the personnel of the Department, the Church served a dual role: it legitimated its presence in Indian communities and acted as an agent of moral regulation. The Church did view the treaty process as a threat to its hegemony. A political and economic decision was made to assign the Church as the administrative body responsible for the education of Indians in the residential school system. The project of moral regulation would apply to the families of the Indian children. Satzewich suggests that “the Department did try to accommodate the missionary organizations by appointing Indian Agents and Farming Instructors who were of the same faith as the dominant missionary” to ensure the larger project of moral regulation of First Nations communities as well as to “defuse church hostility directed against the Department”(1996:223-224).

The employees played a major role in recasting the Indian's identity as a wider project in moral regulation as administrators and agents of moral regulation for the Department and state. "State formation also entailed a moral regulation project that required the appointment of agents who were not only "efficient", but also who themselves were "morally" capable of guiding the transformation of Indian identity and subjectivity. Put differently, the moral regulators were themselves morally regulated" (Satzewich, 1996:216).

Satzewich indicates that married men were preferred employees for three reasons. First, the men and their families would serve as role models and agents of moral regulation for First Nations adults and children. The Indian Agent and farm instructors and their families conveyed to First Nations the ideal family complete with gender roles to act as agents of moral regulation. "They, and their families, were to set an example to Indian families of ideal-typical European customs, habits and modes of subjectivity. Having employees who were married was seen as central to the reconstitution of Indian people's family life"(1996:226).

Second, the Department sought to control the sexual relations of their employees and Indian women. Satzewich (1996:227) draws attention to the fact that Indian Agents were dismissed because of their relations with Indian women: "The Department regulated the sexuality and family life of its field employees when it came to Indian women because it wanted to reassure the public that 'immorality' was not being financed at their expense, and because such liaison would undermine the authority of the Indian Agent in the community".

With respect to the moral regulation of Indian girls, the residential school system was about “the virtues of bourgeois domesticity, there do not appear to have been official programs in place to train adult Indian women, in what were their proper roles”(Satezewich, 1996:228). Thus, the third reason involved part of a wider moral regulation project to train Indian women about their proper roles. The assumption was that First Nations did not have skills and moral regulation to constitute families and raise their children.

Satezewich (1996:232) states that, regardless of political, family or religious patronage, agents “were not allowed to interfere with the wider objectives of the moral regulation project that was embodied in the Department of Indian Affairs”. The aim of moral regulation was “creating a group of ideal-typical “European” class and gendered subjects who would live and accommodate themselves to a capitalist economic system and parliamentary democratic party”(1996:232). But to be effective in this pursuit of moral regulation, “that state required agents who themselves were morally capable of implementing a system of moral regulation” (1996:233).

First Nations did passively resist the limitations of state policy, practices and the project of moral regulation. Satzewich and Mahood (1993:46) state that, early in the twentieth century, “resistance included efforts to become politically organized in order to press for land claims and treaty rights, and surreptitiously engage in outlawed cultural and religious practices”. First Nations continue in the twenty-first century to resist the current state social policies and practices and claim their special status is protected by treaties.

Wotherspoon and Satezewich (1993:82) discuss the state's role in administering the special status and system of moral regulation of Indians as contradictory; "Government policy towards Indians, notably as encoded in legislation such as the Indian Act, is inherently contradictory in that it obligates the state to recognize the "special status" of those it defines as Indians, while at the same time the state is authorized to set the conditions for the extinguishments of any distinct status." They further view the contradiction as a struggle by which the state regulates the social life of Indians due to their special status while broader economic and political relations are served by the extinguishing of the special status held by First Nations. Due to its role in the regulation and reproduction of capital, the state was preoccupied with two agendas: "First, the removal of aboriginal people and aboriginal title as possible impediments to competing priorities of economic and political development; and second, the establishment of political and social conditions which ensure that Indian Affairs are consistent with wider national development policies and practices"(Wotherspoon and Satzewich, 1993:80).

An early example of extinguishing of special status is Sir John A. MacDonald government's enfranchisement policy legislated in the adoption of "*An Act for the Gradual Civilization of Indian Tribes in Canada (1857)*" The criteria were paternal in nature as only males could apply for enfranchisement. Indian Agents could enfranchise those Indians *who were not the right kind of Indian* for the department's assimilation tactics. Enfranchisement was a process in which Indians would give up their special status as Indians to become Canadian citizens.

A letter of support was needed from either the Indian Agent, or priest, or RCMP officer to verify that an individual male was 21 years of age, could speak and write in either French or English, was of good and moral character, free of debt, and capable of passing the three-year probationary period. What is ironic about the criteria is that very few non-natives would have been eligible for enfranchisement.

Dickason (1992) continues to examine social policies used by the state and the government in the wider project of moral regulation through the acts and amendments contained in the Indian Act. She indicates that the development of policy was for the protection of Indians and Indian lands and did not protect the land against frontier exploitation, trespassing on Indian lands and leasing of land to settlers as promised in the Royal Proclamation of 1763. The state's rationale was that First Nations needed paternal protection from non-First Nations encroachment that resulted in the Crown having title to the land, and holding the land and its revenues in trust. Due to paternal protection and guardianship, First Nations held their land and status apart from other Canadian citizens. The paternal protection resulted in the exclusion of First Nations from exercising political and civil rights, such as voting rights, which could only be exercised by individuals based on property rights, which First Nations did not possess.



## 5.5 Post War: The Era of Change

The twentieth century amendments to the *Indian Act* continued to limit First Nations rights and limited their discord by prohibiting First Nations access to defend themselves. Dickason (1992) states that in 1910, the amendments attacked the political rights prohibiting First Nations from accessing their trust funds in order to pursue their land claims. In 1927, further amendments prohibited bands from obtaining lawyers and prevented First Nations from organizing politically to address the agreements, treaties, and the implications of the *Indian Act*. The amendments sought to silence the voice of First Nations citizens who resisted the Act and furthered the state agenda of assimilation for the success of the moral regulation.

After World War II, the history of First Nations' lived human condition would be unleashed to the world. First Nations men and women joined voluntarily the Canadian Forces, as conscription did not apply to First Nations. However, after the War, First Nations veterans returned as second-class citizens as subject to provisions contained in the *Indian Act*. The *Indian Act* stripped away their status as Indians because they had left the reserve and were classified as being off the reserve. However, the department expropriated Indian lands for returning soldiers under the *Soldier Settlement Act*, but Indian veterans were excluded from receiving lands or benefits. The return to status as subjects under the *Indian Act* meant that Indians could not maintain two citizenships-First Nations and Canadian.

Political pressures resulted in revisions to the *Indian Act* in 1951. First Nations tabled concerns with a Joint Senate and House of Commons Committee on the *Indian Act*. First Nations wanted affirmation of their special status as Indians, the treaty relationship to continue, and for issues to be dealt with fairly with input from First Nations on any further policy formation. Although the revisions were limited, some power was returned to Indians; for example, Indian women could vote in band politics, First Nations could access band funds that had been held in trust, bands were able to retain legal council for land claims, expenditures for bands were in control of Chief and council, Indians were able to politically organize, to dance and wear traditional clothing, enfranchisement was dropped, and access to alcohol, pool halls and provincial school systems was allowed. The changes in the *Indian Act* and the assertion of treaty rights would bring a new history to the development and advancement of First Nations in the twentieth century. (Dickason: 1992: 328-333)

The Right Honourable Joe Clark, President of the Privy Council and Minister

Responsible for Constitutional Affairs (1992) summarizes the effects of the *Indian Act*:

There is a Canadian veteran who went to war for Canada, and, when he came home, was told that he had lost his status, and his right to his people's land, because he had been away. Away fighting for Canada. That was the law of the land he had fought to protect.

Many of you here know all too well about the Indian Act of 1876. Some of you may not. Let me describe what that Act and its successors say. The government was legally entitled to take away Indian status away from any man who was literate and debt free. That happened automatically when an Indian became a soldier or professional. Women who married non-Indians lost their status. Natives were not allowed to leave Reserves without passes. Foreign concepts of band government were imposed, undermining traditional systems. Central rituals were banned—potlatch and the sun dances of the west. Native children were regularly taken from their homes and put in residential schools where abuse was widespread and various. It was only in 1960, under John Diefenbaker that Indians were given the right to vote in the elections of the land that once was theirs.

With further urbanization and political pressures, during the 1960's, the civil and political rights of First Nations were reinstated allowing First Nations to participate in state activities as citizens of Canada. First Nations were given the freedom to vote in federal/provincial/municipal elections, participate in the labour market, participate in education attainment, and change residency without the policy of enfranchisement. Instead of Department officials or Indian Agents, First Nations political organizations were able to participate in the political process for themselves.

## 5.6 Being an Indian and a Full-fledged Canadian

The change in governmental relations was a direct result of globalization, not out of concern for First Nations lived reality in Canada. Internationally, the treatment of Canada's First Nations people was known and political pressure changed the prevalent attitude of the state. In the past, the Indian had been a federal responsibility and with the extension of privileges there was no policy for Indians under provincial jurisdiction. Jenness (1977:179) states, "The perception that Indians are not complete provincial citizens because of their special status and relation to the federal government gets transmitted into the argument that if they wish to receive the same government treatment as other province' citizens, they will have to give up their special privileges under treaty or the Indian Act." This opinion resulted in a shift of responsibility between the federal and provincial governments.

The government sought integration of First Nations to address the social inequalities. This first feeble attempt resulted in a discussion paper commonly referred to as the *White Paper*. The *White Paper* proposed to absolve the government of its relationship with First Nations through a notion of changing the definition of Indian status to *citizen plus*. The policy of 'citizen plus' was to remove the citizenship and policy barriers to First Nations and allow for equal participation of First Nations. The paper's objective was to remove the status of Indians and the protection of Indian lands.

The discussion paper was met with protest, confrontation and policy confusion, as First Nations demanded an immediate withdrawal of the paper and its objectives. The government could not understand why First Nations would not embrace such a proposed government policy based on the government's definition of equality. First Nations understood the intent of such a policy as expropriation of Indians and Indian lands. Tobias (1983:53) reiterates the fact that "the government announced its intention to absolve itself from the responsibility for Indian Affairs, that is, the Indian Act. By adoption of this policy and by repealing the Indian Act, Indians would be assimilated by government fiat, and what the Indian Act of 1876 had sought as a long-term goal-the expropriation of the Indians and Indian lands would be realized."

First Nations feared the loss of their special status under the Indian Act. First Nations were not willing to negotiate or surrender their First Nations citizenship to become Canadian. They sought the recognition of two citizenships-First Nation and Canadian. The *White Paper* was not in the best interests of First Nations but rather in the interest of the government and state planners. The federal government recognized that the scope and cost of programs and services for Indians would increase with the growing off-reserve population.

At the time, in the 1960's, the federal government was not yet attempting to off-load programs and services to the provinces. Rather, it was forced to generate funding in order to create programs and services for the growing First Nations population to participate in the Canadian mosaic. The funds were abundant and all levels of government were involved with the purchase of Indian programs and services.

One of the consequences of reinstatement of civil and political rights was increased urbanization of First Nations. However, neither the federal nor provincial governments wanted to exert responsibility for administering services to First Nations no longer residing on reserves and migrating to urban centers. Gibbons and Ponting (1980:14) discuss the historical perception of Indians as a federal responsibility. The rejection of the White Paper changed government's attitude and legislation. "Citizenship and assimilation no longer equated-one could be both Indian and a full-fledged Canadian citizen, a combination that had been largely prevented by previous legislation."

The access to programs and services, which was available to provincial citizens, is not so readily available to First Nations. The Hawthorne Report (1967:235) focused on the jurisdictional issues of access to services and concludes, "that the BNA Act mandate for Indians did not exclude provincial participation in Indian Administration. Rather, the mandate was 'permissive', meaning that provinces should be expected and encouraged to extend services to Indians on reserves. The interpretation was particularly vital, for it was under provincial, not federal, jurisdiction that the welfare programs were assigned according to the divisions of powers in the Canadian constitution, and these were the services which Indians needed and had the right to expect as citizens."

(Cited in Weaver, 1981:22)

Access to provincial social welfare was an issue that had not been previously dealt with, as, “In the past Indians had especially strong relationship with the federal government and weak and tenuous line with the provincial government. As Indians move into the provincial framework of administration and services in education, welfare, community development, selected aspects of local government, and resource exploitation, the importance of provincial policy decisions becomes increased germane to the terms of their existence”(Jenness, 1977:173).

The provinces continued with the project of moral regulation through the child welfare system, using middle class family norms that resulted in the removal of thousands of First Nations children from reserves. A parallel can be drawn from the social policies of education and the child welfare system as both sought the removal of children from their communities under the guise of assimilation and protection created welfare policy. The cattle trucks were traded for four door sedans; the nuns and priest were replaced by social workers and foster parents; the residential schools replaced by middle class non-native homes in urban centers. “Social workers, armed with a mandate to seek out and provide assistance to “problem” families, and possessed by a reformist zeal, engaged in what would become in some communities nearly a wholesale removal of children from their family environments” (Wotherspoon and Satzewich, 1993:88). However well intended, the welfare system resulted in displacement of another generation of First Nations children.

During the 1970's and 1980's, there were increasing demands for change to the education and child welfare systems by First Nations organizations wanting effective alternatives to the destruction of their families and communities. First Nations organizations become involved in areas of education, child welfare, health care, economic development and issues pertaining to jurisdiction of self-government. First Nations wanted control over their own children's future.

In the area of education, The National Indian Brotherhood in 1972 endorsed a position paper on "Indian Control of Indian Education" which called for band-controlled schools. Eventually, child welfare was transferred to bands as part of the self-government initiatives. Wotherspoon and Satzewich (1993:94) observe that, "In many ways, the shift to First Nations control over their own child welfare services signifies a major gain for native people in their struggles to escape wide spread marginalization and to attain self-government." First Nations were able to assume control of programs and services on and off the reserve through the assertion of self-government and self-determination. This shift, as the next chapter emphasises, had contradictory significance.



**6.1 Fiscal Controls and Moral Regulation of Student Population**

The federal government sought an opening to devolve the responsibility of administering the programs and services to First Nations away from themselves and to avoid taking issue with 'special status'. The federal government tabled the initiatives as programs for self-government. The programs needed to be devolved to the First Nations level. The need for devolution of program and services has created contradictions, as First Nations officials require a labour force to administer programs and services. The contradiction lies within First Nations. I argue that First Nations now administer their own forms of moral regulation.

In Saskatchewan, in the 1980s, the process of devolution of services is illustrated with the development of Tribal Councils. First Nations sought to change INAC administration of programs and services, and incorporated themselves in Tribal Councils. In the province there are seventy-two First Nations. Most of these are affiliated with the ten Tribal Councils while there are seven Independent First Nations that are not associated with Tribal Councils but still associated with the Federation of Saskatchewan Indian Nations (FSIN). FSIN is a political organization not involved with the delivery of programs and services, but which employs technical advisors who assist the Tribal Council and First Nations.

Tribal Councils have served as technical advisors in programming and development for First Nations communities. The role of the Tribal Councils has been to assist First Nations in assuming control of programs and the band level. Urban First Nations people do not have the opportunity for access to programs and services on the reserves because of residency. However, urban First Nations utilize programs and services in the urban centers.

## **6.2 Internalization of Moral Regulation**

In the 1960's the federal department of Indian Affairs looked for First Nations employees who would be able to deal with their citizens and the mandates of the state. First Nations employees were needed who would be morally regulated and who understood the need for a capitalist agenda to continue. First Nations are active in economic development and capitalism. First Nations understand moral regulation and are quite actively involved with the regulation of their own citizens. The acquisition of wealth and status has assured access to capital for some but denial for most who lack the resources to be actively involved.

First Nations organizations work together to maintain special status. First Nations work on maintaining treaty rights and the right to self-government. Devolution of services is viewed as problematic as First Nations are now faced with funding deficits within their individual organizations. The funding arrangements with their time frames and funding formulas restrict planning and programming with the First Nations.

The control of the state is ongoing as First Nations' inability to act independently lies within INAC's press for funding, legislation, and programming through its active agenda of devolution. The structural process is complex as each First Nations needs differ based on factors such as migration, demographics of the population, diverse education, training, and employment needs. The discord rests in how funds are allocated to First Nations, creating a divide and conquer outcome. First Nations find themselves reacting to INAC changes in their formulas for disbursement of funds.

Rather than examining the total picture and arming all the citizens with education or training leading to employment, we only see the reliance on a welfare state, which does not protect or enhance their quality of life. First Nations education and training parameters can best be described as responding to what is available or what options are available through federal government. The government recognizes that there exists a "treaty right to education" which is defined as the K-12 realm and does not include the post secondary realm.

What is evident when you enter First Nations organizations is the amount of female labour present. First Nations women are usually employed at the clerical and job entry levels. However, not many women are in positions of power. Currently, in Saskatchewan, there are five women Chiefs with no women present within the executive at the FSIN or AFN level. While there is no structural boundary for women, there are economic, moral, and political boundaries that keep women from entering into the political process. Since the incorporation of the *Indian Act*, Indian men dominate the political structure.

Moreover, there are not processes available to First Nations to advocate change, as the political process is not available to all First Nations when electing Chief and councils or political representatives for the Tribal Councils, FSIN or AFN. The voting criteria for most reserves is that First Nations members must reside on the reserve in order to be involved with the electoral process of Chiefs and councils even though substantial proportions, including post secondary students, live off the reserve. The Corbiere decision (1999) struck down the section of the Indian Act that prevented off reserve Indians from voting in band elections and ruled the *Indian Act* section contravened Section 15 of the Charter of Rights and Freedoms.

However, there is still no process in place for off-reserve Indians to vote. Individuals who wish to be involved with band politics must reside on the reserve to be elected to council. First Nations Chiefs and Councils are the only individuals who can vote for individuals running in Tribal Council, FSIN, or AFN elections. This is problematic as urban First Nations and displaced tribal people cannot be involved with the First Nations political process. Although, the political process does not formally exclude First Nations women, the economics of a campaign deter many from participating, as most women do not possess the capital required to run for office. Also, the highest proportion of off reserve and Bill C-31 populations are women.

A class system is evident in First Nations communities. The perception that only relatives need bother to apply for programs, services, and capital investments is a prevalent feeling among some First Nations members.

First Nations have accused each other of making money off the grassroots plight while maintaining treaty and treaty rights in their agendas. The educated and business elite is often accused of red capitalism and from profiting from the plight of ordinary people.

In First Nations organizations, there is a perception that some individuals are hired through political patronage. First Nations organizations will hire First Nations employees who at times may be questionable if the individual does not possess the skills or knowledge required for the job. The male patronage within First Nations organizations is glaringly evident. Hierarchical structures within First Nations organizations exist and are difficult to change.

The moral regulation of First Nations organizations is inherent as employees are expected to exert the special status, defend treaty rights, work with the citizens of First Nations communities, and serve as successful role models in the acquisitions of wealth and capital. Employees are faced with dismissal in First Nations organizations if they fail as moral regulators and defenders of special status. Employees face obstacles as there are no unions, or organized movements to protect First Nations employees from gender discrimination, sexual harassment, unsafe working conditions, dismissal, and a variety of work related issues. While some First Nations have changed their personnel manuals, it is evident that First Nation employees need to organize around work related issues.

### 6.3 Summary

I have two citizenships-First Nations and Canadian. I am a boundary warrior living in two worlds that are often in conflict with one another. Part of the reason I attended university was for my people who did not know there was a way out of poverty. As a child I did not have a voice to speak about how I felt about decisions being made on my behalf. I knew at a young age there was a system but I did not have the language of social policy to speak out against being removed from my family, my community, and my home. I knew that someone who did not know my family made decisions about what was to be my reality. The reason for my removal was the fact that I was the right kind of Indian who needed to be saved and educated within the whiteman's world.

Throughout history, there has been a multitude of different views towards the education of First Nations in Canada. What is apparent is how these views have assisted First Nations in controlling their children's destiny and future with *Indian Control of Indian Education*. The devolution of services to the First Nations level is needed and supported by the writer.

First Nations have now become gatekeepers and moral regulators for their own people. First Nations are now denying access to programs and services to their own citizens due to criteria in residency defined by their special status. The class system is evident in First Nations communities and is part of an entrenched paternalistic dimension of First Nations government. Throughout Canadian government history, administrators dealt only with First Nations males and not females. This gender bias has not dramatically changed within the structures of the state or First Nations organizations.

First Nations government needs to have accountability, which currently cannot be addressed. There is no recourse if a First Nation does not live up to its promises or agreements made to the people. First Nations have learned about passing on a jurisdictional responsibility to all levels. This tendency is quite evident when dealing with or examining the issue of the plight of urban First Nations. The idea that rights are transferable regardless of residency assumes for urban people that they have no rights but rather fall within the realm of provincial responsibility due to the status of being urban.

Devolution of the post secondary education program to the First Nations level has left post secondary counselors in the field with limited support. There does not exist a liaison position between the First Nations, Tribal Council, FSIN, and AFN in the area of employment, education and training, leaving post-secondary counsellors with limited resources in administering their program. Post Secondary counsellors are not able to access resources needed for staff training, policy development, budget management, database development, and other administrative issues.

Funding in the area of post secondary education reveals the limitations of these formulas and controls. INAC used to fund the program based on a contribution agreement that meant that funds were allotted based on the total number of eligible students. The formula changes in 1992 included only the population in the age cohort of 17-34 years old. The formula automatically created a deficit for those bands that were high users of the program and created a surplus for bands that did not use the program. The formula did not increase funding nor did the formula address the needs of First Nations students, many of whom were older than 34 years.

In Saskatchewan, there is a movement within First Nations government to begin to examine strategies to enhance First Nations capacities to deliver education, training and employment programs to First Nations citizens who reside both on and off the reserve. In providing strategy for the future of post secondary education there are remaining issues, which need to be examined, providing strategies for the future.

For example, there should be budget development and reviews with working knowledge of education, employment and training budgets, limitations and criteria of funding in all levels of education. At the community level a comprehensive strategic planning and capacity building in the area of education, employment and training is required to include all levels of education. First Nations data base development and maintenance are essential as First Nations need to know K-12 numbers for education and training purposes and should develop a data base to assist First Nations in developing strategic plans, as well as to provide an understanding of where the population is located in both reserve and urban school settings.

First Nations should develop communication strategies for networking to find and secure partnerships for training/employment programs for its citizens residing both on and off the reserve. Protocol agreements need to be developed with stakeholders to share support for students/clients in the area of tuition/training/employment. More career planning is needed for younger grades with focus on Grade 7-12 students, adult learners and students engaged in any educational setting to provide students with viable choices in their career planning.



Post Secondary programs tend to steer some students to apply for university and professional training because of the funding. Students know that they will receive more financial support through the post secondary allowance than they would receive from the existing training allowances. The potential exists that some students may be receiving post secondary support for the wrong reason. Unfortunately, this program, because of the funding guidelines has forced some students, by default, to attend university training. This may tend to skew the career choices of some Indian students because of the difficulty in obtaining sponsorship for occupational, vocational and technical training.

I do believe that First Nations government has the trained workforce to implement programs and services on the reserves providing that Chief and Council are supportive of the initiatives. There are many examples of positive programming and delivery with the on and off reserve population. However, First Nations' success largely depends on the Chief and Councils' perception on what is needed and who can implement the programs and services in a way that is non-threatening to the special status and protects the inherent and treaty rights.

Moreover, the question of who is the right kind of Indian to educate will depend upon the ability of First Nations to develop and design their own labour market strategies and to educate our children within those strategies. There must be strategies that will lead to employment, which will lead to earnings, that determines a quality of life to be enjoyed by future generations of First Nation people.

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